

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 13 NUMBER 224

Washington, Wednesday, November 17, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the agencies concerned, paragraphs (a) and (b) of § 6.4 are amended as set out below, effective upon publication in the FEDERAL REGISTER.

1. Section 6.4 (a) (1) (vi) is amended by substituting "\$800" for "\$720". As amended, the subdivision reads as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* * * *

(1) *Entire Executive Civil Service.* * * *

(vi) NC/PD: Any position in which the appointee will receive compensation aggregating not more than \$800 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission. All such employment shall be reported on the regular reports of personnel action; and in addition, unless payment is at a per annum rate of \$800 or less, the total service rendered and its distribution shall be shown on reports submitted at the end of each calendar year; if separation occurs prior to the close of a calendar year, report should be submitted at the time of separation. Additional employment of the appointee by another agency, under similar conditions, shall be subject to the prior approval of the Commission.

2. The various exceptions of student assistants contained in § 6.4 are amended by substituting "\$925" for "\$832" wherever the latter sum appears. The paragraphs and subdivisions so amended will read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* * * *

(2) *State Department.* * * *

(x) NC/PD: Student assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students at

high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one calendar year.

(3) *Treasury Department.* * * *

(xii) NC/PD: Student assistants whose individual salaries shall not aggregate more than \$925 a year. Only bona fide undergraduate or graduate students at colleges or universities of recognized standing shall be eligible for appointment under this subdivision. Appointments under this subdivision shall not exceed 90 working days in any one calendar year.

(5) *Navy Department.* * * *

(xi) NC/PD: Scientific assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students pursuing scientific courses at colleges or universities shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one year.

(9) *Department of Agriculture.* * * *

(iv) NC/PD: Student assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days a year.

(11) *Department of Commerce.* * * *

(iv) NC/PD: Student assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one calendar year.

(42) *Civil Service Commission.* (1)

NC/PD: Student assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Appointments un-

(Continued on next page)

CONTENTS

| | Page |
|--|------|
| Alien Property, Office of | |
| Notices: | |
| Vesting orders, etc.. | |
| Commerzbank Aktiengesellschaft..... | 6744 |
| Commerz Bank, A. G..... | 6744 |
| Ercklentz, Enno W..... | 6742 |
| Grosch, Anna..... | 6742 |
| Iken, Blome & Klingenberg..... | 6743 |
| Kuhn, Helen, and Paul Schwarz..... | 6743 |
| Phosphat-Gesellschaft, m. b. H..... | 6743 |
| Truelzsch, Lina..... | 6743 |
| Army Department | |
| Rules and regulations: | |
| Relief assistance; commercial freight shipments of supplies by voluntary non-profit relief agencies..... | 6722 |
| Transport; transfer and revision of regulations..... | 6719 |
| Charter and redelivery of vessels..... | 6725 |
| General transport regulations..... | 6723 |
| Transportation of individuals..... | 6728 |
| Civil Service Commission | |
| Rules and regulations: | |
| Competitive service, lists of positions excepted; miscellaneous amendments..... | 6717 |
| Commodity Credit Corporation | |
| Rules and regulations: | |
| Price support programs, 1948: | |
| Barley..... | 6719 |
| Grain sorghums..... | 6719 |
| Defense Transportation, Office of | |
| Rules and regulations: | |
| Rail equipment, conservation; shipments of Valencia oranges..... | 6735 |
| Exception..... | 6735 |
| Federal Communications Commission | |
| Notices: | |
| Hearings, etc.. | |
| Coastal Broadcasting Co. and Citrus Belt Broadcasters, Inc. (WSIR)..... | 6737 |
| Portorican American Broadcasting Co., Inc..... | 6737 |
| Scripps-Howard Radio, Inc. (WCFO)..... | 6737 |



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500; as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Now Available

UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—\$1.00 a copy

Order from Superintendent of Documents,
United States Government Printing Office,
Washington 25, D. C.

CONTENTS—Continued

| | |
|---|------|
| Federal Communications Commission—Continued | Page |
| Notices—Continued | |
| Hearings, etc.—Continued | |
| Times-Star Publishing Co. and D & K Broadcasting Co. | 6737 |
| Federal Housing Administration | |
| Rules and regulations: | |
| Yield insurance: | |
| Eligibility requirements | 6719 |
| Rights and obligations of investor under insurance contract | 6720 |
| Federal Trade Commission | |
| Notices: | |
| Mail order insurance industry hearing | 6738 |
| Land Management, Bureau of | |
| Notices: | |
| California; classification orders (2 documents) | 6736 |

CONTENTS—Continued

| | |
|---|------|
| Securities and Exchange Commission | Page |
| Notices: | |
| Hearings, etc. | |
| Commonwealth & Southern Corp. et al. | 6739 |
| Delaware Power & Light Co. and Eastern Shore Public Service Co. of Virginia | 6741 |
| Ellis, Fred D., and Edmund J. Haugh | 6740 |
| Public Service Electric and Gas Co. | 6740 |
| Standard Gas and Electric Co. | 6741 |
| Sunray Oil Corp. | 6738 |
| United Light and Railways Co. et al. | 6738 |
| United Merchants and Manufacturers, Inc. | 6738 |

Tariff Commission

| | |
|--|------|
| Notices: | |
| Demeritt Co. et al., notice of petition in regard to application | 6742 |

Wage and Hour Division

| | |
|---|------|
| Notices: | |
| Learners certificates; issuance to various industries | 6735 |

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

| | |
|--|------|
| Title 3—The President | Page |
| Chapter II—Executive Orders: | |
| 9830 (see T. 5, § 6.4) | 6717 |
| Title 5—Administrative Personnel | |
| Chapter I—Civil Service Commission: | |
| Part 6—Exceptions from the competitive service | 6717 |
| Title 6—Agricultural Credit | |
| Chapter II—Production and Marketing Administration (Commodity Credit) | |
| Part 263—Grain sorghums loans and purchase agreements | 6719 |
| Part 264—Barley loans and purchase agreements | 6719 |
| Title 10—Army | |
| Chapter IX—Transport: | |
| Revision and transfer of regulations | 6719 |
| Title 24—Housing Credit | |
| Chapter V—Federal Housing Administration: | |
| Part 590—Eligibility requirements for yield insurance | 6719 |
| Part 591—Yield insurance—Rights and obligations of investor under insurance contract | 6720 |
| Title 34—National Military Establishment | |
| Chapter V—Department of the Army: | |
| Part 502—Relief assistance | 6722 |
| Part 631—General transport regulations | 6723 |
| Part 632—Charter and redelivery of vessels | 6725 |
| Part 633—Transportation of individuals | 6728 |

CODIFICATION GUIDE—Con.

| | |
|---|------|
| Title 49—Transportation and Railroads | Page |
| Chapter II—Office of Defense Transportation: | |
| Part 500—Conservation of rail equipment | 6735 |
| Part 520—Conservation of rail equipment; exceptions, permits and special directions | 6735 |

der this subdivision shall not exceed 90 working days in any one calendar year.

(47) *National Advisory Committee for Aeronautics.* * * *

(iii) NC/PD: Scientific and professional assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students pursuing scientific courses at colleges or universities shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one year.

(49) *Economic Cooperation Administration.* * * *

(ii) NC/PD: Student assistants whose salaries shall not aggregate more than \$925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employments under this subdivision shall not exceed 90 working days a year.

3. The headnote of § 6.4 (a) (9) (xvii) is changed from "Farm Credit Administration" to "Farmers' Home Administration." As amended, the subdivision will read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* * * *

(9) *Department of Agriculture.* * * *
(xvii) *Farmers' Home Administration:* NC/PD. Temporary, intermittent and seasonal collectors at grades not higher than CAF-5 for not to exceed 180 working days a year.

4. Section 6.4 (a) (46) (iv) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* * * *

(46) *Department of the Air Force.* * * *

(iv) NC/PD: Civilian deans and professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

5. A subparagraph numbered (16) is added to § 6.4 (b) as follows:

§ 6.4 *Lists of positions excepted from the competitive service.* * * *
(b) *Schedule B.* * * *

(16) *Department of the Air Force.* (1) Positions assigned exclusively to Air Force Communications Intelligence activities.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1250)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-10018; Filed, Nov. 16, 1948; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Grain Sorghums Bulletin 1, Supp 1, Amdt. 2]

PART 263—GRAIN SORGHUMS LOANS AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 4784, containing the requirements of the purchase agreement program on grain sorghums produced in 1948, are hereby further amended by deleting the third sentence in § 263.236 *Purchase price*.

(Sec. 4 (b) 55 Stat. 498, sec. 5 (a) Pub. Law 806, 80th Cong., sec. 1 (d) Pub. Law 897, 80th Cong., 15 U. S. C. 713 (a)—8 (b))

Issued this 12th day of November 1948.

[SEAL] **ELMER F. KRUSE,**
Manager
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-10019; Filed, Nov. 16, 1948; 8:48 a. m.]

[1948 C. C. C. Barley Bulletin 1, Supp. 1, Amdt. 1]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

1948 BARLEY PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration (13 F. R. 4785) containing the requirements of the purchase agreement program on barley produced in 1948, are hereby amended by deleting the third sentence of § 264.236 *Purchase price*.

(Sec. 4 (b) 55 Stat. 498, sec. 1 (d) Pub. Law 897, 80th Cong., sec. 5 (a) Pub. Law 806, 80th Cong., 15 U. S. C. 713 (a)—8 (b))

Issued this 12th day of November 1948.

[SEAL] **ELMER F. KRUSE,**
Manager
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-10020; Filed, Nov. 16, 1948; 8:47 a. m.]

TITLE 10—ARMY

Chapter IX—Transport

REVISION AND TRANSFER OF REGULATIONS

CROSS REFERENCE: For revision and transfer of the material contained in-

Title 10, Chapter IX, see Title 34, Chapter V, Parts 631 through 633, *infra*.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter I—Yield Insurance

PART 590—ELIGIBILITY REQUIREMENTS FOR YIELD INSURANCE

APPROVAL OF INVESTORS

Sec.
590.1 Classification of investors.
590.2 Withdrawal of approval.

APPLICATION AND COMMITMENT

590.3 Submission of application.
590.4 Form of application.
590.5 Application and commitment fee.
590.6 Inspection fee.
590.7 Approval of application.

ELIGIBLE PROJECTS

590.8 Project eligibility requirements.

RENTS

590.9 Rental schedule.
590.10 Charges in addition to maximum rental.

TITLE

590.11 Title.

EFFECTIVE DATE

590.12 Effective date.

AUTHORITY: §§ 590.1 to 590.12 issued under sec. 401, Pub. Law 801, 80th Cong.

APPROVAL OF INVESTORS

§ 590.1 *Classification of investors.* Such of the following may become an approved investor as the Commissioner shall find to be qualified by business experience and facilities to afford assurance of the necessary continuity of long-term investment and to have available the necessary capital required for long-term investment in the project and shall approve as eligible for insurance under Title VII of the National Housing Act:

- (a) Any natural person;
- (b) Any group of not more than ten natural persons;
- (c) Any corporation, company, association, trust or other legal entity; or
- (d) Any combination of two or more corporations, companies, associations, trusts or other legal entities having all the powers necessary to comply with the requirements of such title.

§ 590.2 *Withdrawal of approval.* Approval of an investor may be withdrawn by notice from the Commissioner at any time for cause deemed sufficient by the Commissioner, but no withdrawal will affect any commitment or contract of insurance theretofore entered into with such investors.

APPLICATION AND COMMITMENT

§ 590.3 *Submission of application.* Any approved investor may submit an application for insurance in connection with an investment which it proposes to make pursuant to the provisions of Title VII of the National Housing Act.

§ 590.4 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner and filed at the local Federal Housing

Administration office serving the area in which the property is located.

§ 590.5 *Application and commitment fee.* The application must be accompanied by the investor's check to cover an application fee computed at the rate of one dollar and fifty cents (\$1.50) per thousand dollars (\$1,000) of the estimated investment stated in the application, to cover the cost of analysis by the Commissioner, and at the time of delivery of the commitment a further sum (referred to as "commitment fee") shall be paid, which, when added to the application fee, will aggregate three dollars (\$3.00) per thousand dollars (\$1,000) of the estimated investment as specified in the commitment. If the application is refused as a result of preliminary examination by the Commissioner, the fee paid will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following preliminary examination. If the amount of established investment is increased after insurance, the fees herein provided for shall be based upon the amount of such increase.

§ 590.6 *Inspection fee.* An inspection fee computed at the rate of two dollars (\$2.00) per thousand dollars (\$1,000) of the face amount of the commitment shall be paid as provided for in the commitment.

§ 590.7 *Approval of application.* Upon approval of an application a commitment will be issued upon a form approved by the Commissioner setting forth the terms and conditions upon which the insurance will be granted.

ELIGIBLE PROJECTS

§ 590.8 *Project eligibility requirements.* To be eligible for insurance, a project shall meet the following conditions:

(a) The Commissioner shall be satisfied that there is in the locality or metropolitan area of such project a need for new rental dwellings at rents comparable to the rents proposed to be charged for the dwellings in such project.

(b) The project shall be economically sound and shall contain at least twenty-five (25) dwelling units.

(c) The dwellings in such project shall be acceptable to the Commissioner as to quality, design, size and type.

(d) The investor shall establish in a manner satisfactory to the Commissioner that good and merchantable title in fee simple or under long-term leasehold (under a lease having a term of not less than ninety-nine (99) years which is renewable or under a lease having not less than sixty (60) years to run from the date of commitment to insure under Title VII of the act is executed) satisfactory to the Commissioner to the real estate to be included in the project is vested in the investor free and clear of liens and will so remain as long as the contract of insurance remains in force, and after completion of the project, the investor must establish that there are no outstanding unpaid obligations contracted in connection with the construction or completion of the project.

(e) The project may include, in addition to the dwellings, such stores, com-

mercial or community facilities as the Commissioner shall determine to be necessary or desirable appurtenances to the project.

(f) The investor shall establish in a manner satisfactory to the Commissioner that it has and will make available sufficient funds to complete the project in accordance with the plans and specifications approved by the Commissioner.

RENTS

§ 590.9 *Rental schedule.* No charge shall be made by the investor for the dwelling accommodations offered by the project in excess of that provided in a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental: *Provided*, That in no event shall the rent proposed to be charged or collected for any dwelling in the project, including charges for heat and other customary services as determined by the Commissioner, exceed one hundred and twenty dollars (\$120) per month, nor shall the average rental for all dwellings in the project exceed one hundred dollars (\$100) per month.

§ 590.10 *Charges in addition to maximum rental.* The established maximum rental shall be the maximum authorized charge against any tenant for the dwelling accommodations offered exclusive of telephone, gas, electric, and refrigeration services. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the investor, but only with the approval of the Commissioner. No additional amounts may be required from a tenant in the nature of security deposits as a condition to occupancy of such units without the prior approval of the Commissioner.

TITLE

§ 590.11 *Title.* At the time the contract of insurance is executed the investor shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section: *Provided, however* That in the event the investor is unable to furnish such policy for reasons satisfactory to the Commissioner the investor, without expense to the Commissioner, shall furnish evidence of title as prescribed in paragraphs (b) (c) or (d) of this section as the Commissioner may require.

(a) An owner's policy of title insurance issued by a company satisfactory to the Commissioner in such form and amount as may be approved by the Commissioner. Such policy shall run to the investor and the Commissioner as their respective interests may appear and may contain such exceptions, restrictions and limitations as are approved by the Commissioner.

(b) An abstract of title satisfactory to the Commissioner prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner as to the quality of such title signed by an at-

torney experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America or of any State or Territory thereof.

EFFECTIVE DATE

§ 590.12 *Effective date.* The Administrative rules in this part are effective as to all projects on which a commitment to insure under Title VII is issued on or after November 12, 1948.

PART 591—YIELD INSURANCE—RIGHTS AND OBLIGATIONS OF INVESTOR UNDER INSURANCE CONTRACT

Sec.

| | |
|--------|---|
| 591.1 | Citation. |
| 591.2 | Definitions. |
| 591.3 | Premiums. |
| 591.4 | Contract of insurance. |
| 591.5 | Excess earnings. |
| 591.6 | Supervision of investor. |
| 591.7 | Payment of claims. |
| 591.8 | Debentures. |
| 591.9 | Termination and reinstatement of contract of insurance. |
| 591.10 | Amendments. |
| 591.11 | Effective date. |

AUTHORITY: §§ 591.1 to 591.11 issued under sec. 491, Pub. Law 901, 80th Cong.

§ 591.1 *Citation.* The regulations in this part may be cited and referred to as "Regulations of the Federal Housing Commissioner under Title VII of the National Housing Act, issued November 12, 1948"

§ 591.2 *Definitions.* As used in this part, the following terms shall have the meanings respectively ascribed to them below, and unless the context clearly indicates otherwise, shall include the plural as well as the singular number.

(a) The term "Commissioner" shall mean the Federal Housing Commissioner.

(b) The term "act" shall mean the National Housing Act, as amended.

(c) The term "contract of insurance" shall mean the written instrument duly executed by the Commissioner and the investor, setting forth the terms, conditions and provisions of insurance.

(d) The term "investor" shall mean the insured named in the contract of insurance.

(e) The term "project" shall mean a project (including all property, real and personal, contracts, rights and choses in action acquired, owned or held by the investor in connection therewith) of an investor designed and used primarily for the purpose of providing dwellings, the occupancy of which is permitted by the investor in consideration of agreed charges, and may include such stores, offices, commercial, community or other facilities as the Commissioner may approve.

(f) The term "estimated investment" shall mean the estimated cost of the development of the project as stated in the application submitted to the Commissioner for insurance under Title VII of the act and the regulations in this part.

(g) The term "establishment investment" shall mean the amount of the rea-

sonable costs as approved by the Commissioner, incurred by the investor in, and necessary for, carrying out all works and undertakings for the development of the project, and shall include the premium charge for the first operating year and the cost of all necessary surveys, plans and specifications, architectural, engineering, or other special services, land acquisition, site preparation, construction and equipment; a reasonable return on the funds of the investor paid out in the course of the development of the project up to, and including, the initial occupancy date; necessary expenses in connection with the initial occupancy of the project; and the cost of such items as the Commissioner shall determine to be necessary for the development of the project:

(1) Less the amount by which the rents and revenues derived from the project up to, and including, the initial occupancy date exceeded the reasonable and proper expenses as approved by the Commissioner, incurred by the investor in, and necessary for, operating and maintaining said project up to, and including, the initial occupancy date, or

(2) Plus the amount by which such expenses exceeded such rents and revenues as the case may be: *Provided*, That the amount of the established investment so determined and approved by the Commissioner as of the date of initial occupancy of the project shall be subject to adjustment from time to time pursuant to the authority contained in section 712 of the act, and in accordance with the regulations in this part, to provide for increases, in such amounts as the Commissioner determines, if the investor makes capital improvements or additions to the project, or to provide for decreases, in such amounts as the Commissioner determines, if any part of the project is sold or transferred.

(h) The term "physical completion date" shall mean the last day of the calendar month in which the Commissioner determines that the construction of the project is substantially completed and substantially all of the dwellings therein are available for occupancy.

(i) The term "initial occupancy date" shall mean the last day of the calendar month in which ninety per centum (90%) in number of the dwellings in the project on the physical completion date shall have been occupied, but shall in no event be later than the last day of the sixth calendar month next following the physical completion date.

(j) The term "operating year" shall mean the period of twelve (12) consecutive calendar months next following the initial occupancy date and each succeeding period of twelve (12) consecutive calendar months, and the period of the first twelve (12) consecutive calendar months next following the initial occupancy date shall be the first operating year.

(k) The term "gross income" for any operating year shall mean the total rents and revenues and other income derived from, or in connection with, the project during such operating year.

(l) The term "operating expenses" for any operating year shall mean the amounts, as approved by the Commis-

sioner, necessary to meet the reasonable and proper costs of, and to provide for, operating and maintaining the project, and to establish and maintain reasonable and proper reserves for repairs, maintenance, and replacements, and other necessary reserves during such operating year, and shall include necessary expenses for real estate taxes, special assessments, premium charges made pursuant to Title VII of the act and the regulations in this part, administrative expenses, the annual rental under any lease pursuant to which the real property comprising the site of the project is held by the investor, and insurance charges, together with such other expenses as the Commissioner shall determine to be necessary for the proper operation and maintenance of the project, but shall not include income taxes.

(m) The term "net income" for any operating year shall mean gross income remaining after the payment of the operating expenses.

(n) The term "minimum annual amortization charge" shall mean an amount equal to two per centum (2%) of the established investment, except that in the case of a project where the real property comprising the site thereof is held by the investor under a lease, if (notwithstanding the proviso of § 591.3) the gross income for any operating year shall be less than the amount required to pay the operating expenses (including the annual rental under such lease) the minimum annual amortization charge for such operating year shall mean an amount equal to two per centum (2%) of the established investment plus the amount of the annual rental under such lease to the extent that the same is not paid from the gross income.

(o) The term "annual return" for any operating year shall mean the net income remaining after the payment of the minimum annual amortization charge.

(p) The term "insured annual return" shall mean an amount not to exceed two and three-quarters per centum (2¾%) per annum on the outstanding investment and shall be fixed in the commitment to insure or in the contract of insurance.

(q) The term "minimum annual return" for any operating year shall mean an amount equal to three and one-half per centum (3½%) of the outstanding investment for such operating year.

(r) The term "excess earnings" for any operating year shall mean the net income derived from the project in excess of the minimum annual amortization charge and the minimum annual return.

(s) The term "outstanding investment" for any operating year shall mean the established investment less an amount equal to:

(1) The aggregate of the minimum annual amortization charge for each preceding operating year plus

(2) The aggregate of the excess earnings, if any, during each preceding operating year applied, in addition to the minimum annual amortization charge, to amortization in accordance with the provisions of § 591.5,

Provided, That the outstanding investment for any operating year shall be subject to adjustment in such amounts as the Commissioner determines, pursuant to the authority contained in section 712 of the act and the regulations in this part, to provide for a reduction in such outstanding investment for any operating year pending the restoration of damage to the project caused by fire, flood, earthquake, tornado or other casualty.

§ 591.3 *Premiums*. The investor shall pay to the Commissioner an annual insurance premium in an amount equal to one-half of one per centum (½ of 1%) of the outstanding investment for the operating year for which such premium charge is payable without taking into account the excess earnings, if any, applied, in addition to the minimum amortization charge, to amortization of the outstanding investment. Such premium charge shall be payable annually in advance by the investor either in cash or debentures issued by the Commissioner under Title VII of the act at par plus accrued interest: *Provided*, That if in any operating year the gross income shall be less than the operating expenses, the premium charge payable during such operating year shall be waived, but only to the extent of the amount of the difference between such expenses and such income and subject to subsequent payment out of any excess earnings as hereinafter provided in § 591.5.

The first premium covering the first operating year shall be payable on the date the contract of insurance is executed and subsequent annual premiums shall be paid on or before the first day of each succeeding operating year until the project is acquired by the Commissioner or until the contract of insurance is otherwise terminated as hereinafter set forth. At the close of each operating year the premium payable in advance for such operating year may be adjusted to take into account any increase or decrease in the outstanding investment for such operating year pursuant to the authority contained in section 712 of the act and the regulations in this part, and any excess premiums collected shall be refunded to the investor and any deficiencies in the amount of the premium already collected and the amount found to be due for such operating year shall be paid by the investor.

§ 591.4 *Contract of insurance*. Upon compliance satisfactory to the Commissioner with the terms of the commitment to insure, the Commissioner and the investor shall execute the contract of insurance. The Commissioner and the investor shall thereafter be bound by the contract of insurance, subject to the provisions of the regulations in this part which shall form part of each such contract.

§ 591.5 *Excess earnings*. For all of the purposes of any insurance contract, fifty per centum (50%) of the excess earnings, if any, for any operating year may be applied, in addition to the minimum annual return, to return on the outstanding investment but only to the extent that such application thereof does

not result in an annual return of more than five per centum (5%) of the outstanding investment for such operating year, and the balance of any such excess earnings shall be applied, in addition to the minimum annual amortization charge, to amortization of the outstanding investment: *Provided*, That if in any preceding operating years the gross income shall have been less than the operating expenses, such excess earnings shall be applied to the extent necessary in whole or in part, first, to the reimbursement of the amount of the difference between such expenses (exclusive of any premium charges previously waived under § 591.3) and such income, and second, to the payment of any premium charges previously waived hereunder.

§ 591.6 *Supervision of investor—(a) Maintenance of books and records*. The investor shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the condition and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

(b) *Financial and operating statements*. With respect to each project, the contract of insurance shall provide that after the close of each operating year the investor shall submit to the Commissioner for approval a financial and operating statement covering such operating year in such form as the Commissioner may prescribe. If any such financial and operating statement shall not have been submitted or, for proper cause, shall not have been approved by the Commissioner, payment of any claim submitted by the investor may, at the option of the Commissioner, be withheld, in whole or in part, until such statement shall have been submitted and approved.

(c) *Special information and reports*. The investor shall furnish, at the request of the Commissioner or his agent, specific answers to questions upon which information is desired from time to time relating to the income, assets, liabilities, contracts, operation, rents, or condition of the property and any other information with respect to the investor or the project which may reasonably be required.

(d) *Rents to conform with rental schedule*. The investor shall charge and collect rents for the dwelling units in the project only in accordance with a rent schedule approved by the Commissioner. No change therein nor additional requirements in the nature of security deposits as a condition to occupancy of such units shall be made by the investor without the prior approval of the Commissioner.

(e) *Increases and decreases in established investment*. No capital expenditure for additions or improvements which would have the effect of increasing the established investment or no sale of any portion of the project which would have

the effect of reducing the established investment shall be made without the prior written approval of the Commissioner. In no event shall the investor mortgage or pledge all or any part of the project as security for any debt so long as the contract of insurance remains in force.

§ 591.7 *Payment of claims.* If in any operating year the net income of a project is less than the aggregate of the minimum annual amortization charge and the insured annual return, the Commissioner, upon submission by the investor of a claim for the payment of the amount of the difference between such net income and the aggregate of the minimum annual amortization charge and the insured annual return, and after proof of the validity of such claim, shall pay to the investor in cash from the Housing Investment Insurance Fund the amount of such difference as determined by the Commissioner, but not exceeding in any event an amount equal to the aggregate of the minimum annual amortization charge and the insured annual return.

§ 591.8 *Debentures.*—(a) *Commissioner's right to acquire project.* If the aggregate of the amounts paid to the investor pursuant to § 591.7 shall at any time equal or exceed fifteen per centum (15%) of the established investment, the Commissioner thereafter shall have the right, after written notice to the investor of his intention so to do, to acquire, as of the close of any operating year in which such notice is given, such project in consideration of the issuance and delivery to the investor of debentures having a total face value equal to ninety per centum (90%) of the outstanding investment for such operating year. In any such case, the investor shall be obligated to transfer and convey to the Commissioner good and merchantable title to the project undamaged by fire, earthquake, flood, tornado, or waste, and free and clear of all liens, encumbrances, and defects, except such as were approved by the Commissioner at the time the project was insured or may be approved by him at the time of such transfer, and shall furnish to the Commissioner satisfactory continuation of the title evidence approved at the time of insurance to, and including, the transfer to the Commissioner without cost to him. In the event the investor fails to meet the obligation described in the preceding sentence, the Commissioner may, at his option, terminate the insurance contract.

(b) *Investor's right to convey project to Commissioner.* If in any operating year the aggregate of the differences between the operating expenses (exclusive of any premium charges previously waived under § 591.3) and the gross income for the preceding operating years, less the aggregate of any deficits in such operating expenses reimbursed from excess earnings as heretofore provided in § 591.5, shall at any time equal or exceed five per centum (5%) of the established investment, the investor shall thereafter have the right, after written notice to the Commissioner of his intention so to do, to convey the project to the Commissioner, as of the close of any operating year in which such notice is given,

and to receive from the Commissioner debentures having a total face value equal to ninety per centum (90%) of the outstanding investment for such operating year. In any such case, the investor shall be obligated to transfer and convey to the Commissioner good and merchantable title to the project, undamaged by fire, earthquake, flood, tornado, or waste, and free and clear of all liens, encumbrances and defects, except such as were approved by the Commissioner at the time the project was insured or may be approved by him at the time of such transfer, and shall furnish the Commissioner satisfactory continuation of the title evidence approved at the time of insurance to, and including, the transfer to the Commissioner without cost to him.

(c) *Waste.* The term "waste" as used in paragraphs (a) and (b) of this section means permanent or substantial injury caused by unreasonable use or abuse, and is not intended to include damage caused by ordinary wear and tear.

(d) *Effect of Commissioner's acquisition of project.* Upon the acquisition of a project by the Commissioner pursuant to this section, the insurance contract shall terminate.

(e) *Date and terms of debentures.* The debentures issued under Title VII of the act to any investor shall be issued in accordance with the provisions of section 708 of the act, shall be dated as of the first day of the operating year in which the project for which such debentures were issued was acquired by the Commissioner, shall bear interest at the rate of two and three-quarters per centum (2¾%) per annum, payable semi-annually on the first day of January and the first day of July of each year, and shall mature forty (40) years following the date of issuance thereof.

Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

Such debentures shall be issued in multiples of fifty dollars (\$50) and any difference not in excess of fifty dollars (\$50) between the amount of debentures to which the investor is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the investor.

§ 591.9 *Termination and reinstatement of contract of insurance.*—(a) *Termination of insurance contract at investor's option.* The investor, after written notice to the Commissioner of his intention to do so, may terminate, as of the close of any operating year in which such notice is given, any contract of insurance, upon payment to the Commissioner of an adjusted premium charge of one per centum (1%) of the established investment but not in excess of the aggregate amount of the premium charges which the investor otherwise would have been required to pay if such contract of insurance had not been so terminated.

(b) *Termination of insurance contract at Commissioner's option.* The Commis-

sioner may, at his option, terminate any insurance contract in the event that:

(1) The investor fails or refuses for a period of thirty (30) days after receipt of a demand by the Commissioner to pay insurance premiums in accordance with the provisions of § 591.3.

(2) The investor sells or transfers all or any part of the project without the approval of the Commissioner.

(3) The investor fails or refuses to comply with the requirements and submit to the supervision of the Commissioner in the manner and to the extent prescribed in § 591.6.

(c) *Reinstatement of insurance contract.* Upon application by the investor and compliance with such terms and conditions as may be required by the Commissioner in connection with the particular transaction any contract of insurance terminated pursuant to paragraph (b) of this section may be reinstated, subject to the investor making payment to the Commissioner of an amount equal to the insurance premiums which would have been due and payable if the contract of insurance had not been terminated.

(d) *Expiration of insurance contract.* Any insurance contract shall expire as of the first day of the operating year for which the outstanding investment amounts to not more than ten per centum (10%) of the established investment.

§ 591.10 *Amendments.* The regulations in this part may be amended by the Commissioner at any time and from time to time in whole or in part but such amendments shall not affect any contract of insurance or any commitment to insure issued prior thereto.

§ 591.11 *Effective date.* The regulations in this part shall be effective as to all contracts of insurance or commitments to insure issued subsequent to the date hereof.

Issued at Washington, D. C., November 12, 1948.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner

[F. R. Doc. 48-10002; Filed, Nov. 16, 1948;
8:45 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 502—RELIEF ASSISTANCE

COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT RELIEF AGENCIES

Section 502.11 is added to Part 502, as follows:

§ 502.11 *Commercial freight shipments of supplies by voluntary non-profit relief agencies.*—(a) *Scope of section.* Provided herein are the rules under which the Department of the Army, in order to further the efficient use of United States voluntary contributions for relief in the foreign countries herein-after named, will pay ocean freight charges from United States ports to designated foreign ports of entry on sup-

plies donated to or purchased by United States voluntary non-profit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid (hereinafter called "the Committee") for distribution in Japan, Korea, and the Ryukyu Islands.

(b) *Agencies within scope of this section.* Any United States voluntary non-profit relief agency may make application to the Chief, Fiscal and Statistical Group, Office of the Food Administrator for Occupied Areas, Department of the Army, Washington 25, D. C., for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign countries listed in paragraph (a) of this section, *Provided:*

(1) The agency is registered with and recommended by the Committee to the Department of the Army;

(2) The supplies are within the general program and projects of the agency as previously submitted to and approved by the Committee, and are essential in support of such programs and projects;

(3) The agency's representatives to whom the supplies are consigned for distribution abroad are acceptable to the Committee;

(4) The Committee has notified the Department of the Army that:

(i) The agency is not engaged in commercial or political activities;

(ii) Contributions to the agency are eligible for tax exemption under income tax laws;

(iii) The agency is directed by an active and responsible board of American citizens who serve without compensation;

(iv) The accounts of the agency are regularly audited by a certified public accountant;

(v) The agency currently reports its activities and operations to the Committee including its budget and reports of income and expenditures, its transfer of funds, and its exports of commodities and such other information as the Committee may deem necessary, and such reports are open for public inspection;

(vi) The general program and projects by countries of operation of the agency have been approved by the Committee to permit the coordination of private agency programs with each other and with the programs of the Department of the Army in Japan, Korea, and the Ryukyu Islands;

(vii) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operation of the agency's general program and projects;

(viii) The supplies are free of customs duties, other duties, tolls, and taxes;

(ix) The agency has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of the supplies is supervised by United States citizens, and such operations are appropriately identified as to their American character.

(c) *Manner of payment of ocean freight charges.* The Department of the Army will reimburse agencies qualified hereunder, to the extent of ocean freight charges paid by them for shipments

made in conformity with this section: *Provided,* That application for such reimbursement on shipments made during the period July 1, 1948 through November 10, 1948, must be submitted to the Department by December 15, 1948; and on shipments made after the effective date of this section within thirty days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement or unit basis, and free of any other charges.

(d) *Refund by agencies.* Any agency reimbursed hereunder will refund promptly to the Department of the Army upon demand the entire amount reimbursed (or such lesser amount as the Department may demand) whenever it is determined that the reimbursement was improper as being in violation of any of the provisions of the Foreign Assistance Act of 1948, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Department of the Army.

(e) *Saving clause.* The Secretary of the Army may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this section.

(f) *Effective date.* This section is effective as of November 15, 1948. [Regs. 10 Nov. 1948, SAOSA] (Pub. Law 793, 80th Cong.)

[SEAL]

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10044; Filed, Nov. 10, 1948;
8:51 a. m.]

Subchapter I—Transport

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter IX of Title 10 is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter I, Parts 631 through 633, as follows:

- Part 631 General transport regulations.
- 632 Charter and redelivery of vessels.
- 633 Transportation of individuals.

PART 631—GENERAL TRANSPORT REGULATIONS

TRANSPORTATION OF SUPPLIES

Sec.

631.1 Shipment of intoxicating liquors.

OVERSEA MOVEMENT OF INDIVIDUALS ON ARMY TRANSPORTS

631.2 Commercial passengers.

631.3 Transportation of individuals.

631.4 Stowaways and workaways.

631.5 Articles of an explosive or highly combustible nature excluded from baggage.

631.6 Transport messes.

AUTHORITY: §§ 631.1 to 631.6 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 55-155, Nov. 27, 1942; AR 55-390, Dec. 10, 1942; AR 55-410, Oct. 6, 1942; AR 55-420, June 2, 1948.

TRANSPORTATION OF SUPPLIES

§ 631.1 *Shipment of intoxicating liquors.*—(a) *Laws covering.* The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. (Const., 21st amendment, sec. 2.) The laws of any State, Territory, or possession of the United States relative to intoxicating liquors are not applicable to the transportation of intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army.

(b) *If carrier hesitates to accept or deliver.* If a carrier should hesitate to accept at point of origin and/or deliver at destination a shipment containing intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army, the transportation officer at the point of origin and/or at destination, as the case may be, will obtain an appropriate certificate from the proper medical officer setting forth such ownership and intended use of the liquors. The transportation officer will deliver the certificate to the carrier and make record thereof.

OVERSEA MOVEMENT OF INDIVIDUALS ON ARMY TRANSPORTS

§ 631.2 *Commercial passengers.* Army transports will not normally be used for carrying commercial passengers. In an unusual public emergency and where military necessity demands, Army transports may be used for this purpose provided commercial space is not reasonably available. A reasonable charge for such transportation will be made as mutually arranged between the Chief of Transportation and the Maritime Commission.

§ 631.3 *Transportation of individuals.*—(a) *General.* Requests for transportation of persons from the continental United States to overseas ports, except for officers and enlisted men of the Army, Navy, and Marine Corps, must contain a statement whether the respective overseas commander has either requested the personnel or approves their entrance into the military area under his jurisdiction.

(b) *Officials and civilians.* Requests for passage of all officials and civilians not provided for in Army Regulations will be directed to the Chief of Transportation for approval and forwarding to the proper port of embarkation for action.

(c) *Female passengers.* No female personnel except Army nurses and authorized Red Cross workers may be taken on outward voyages from the continental United States except when specific authorization has been given by the Chief of Transportation.

(d) *Dependents.* Transportation of dependents of military personnel and civilian employees to overseas departments and bases, including Alaska, by Army transport or otherwise, is prohibited.

(e) *Civilian employees of Government stationed overseas.* Requests for transportation from an oversea post will be submitted by the local representative of the bureau with which the employee is connected, inclosing true copy of orders.

(f) *Secretaries of Young Men's Christian Association.* Secretaries of the Army and Navy Department of the Young Men's Christian Association may be furnished transportation on Army transports upon request of the headquarters of that organization when accommodations are available.

(g) *Panama Canal employees.* Transportation may be furnished on Army transports, when accommodations are available, for male employees of the Panama Canal on outward voyages from the continental United States and for the employees and their immediate families on inward voyages from the Canal Zone upon payment of the same rates as are applicable upon vessels of the Panama Line. Orders for transportation must be obtained through the Governor of the Canal Zone or the Chief of Office, The Panama Canal, Washington, D. C.

(h) *American Red Cross personnel.* Requests will be submitted by Headquarters, American National Red Cross, or the headquarters representative at a port of embarkation.

(i) *Officers and employees of territorial governments.* Requests for transportation from officers and employees of the Hawaiian Government must bear the certificate of the Governor, Territory of Hawaii, that the applicant is an actual officer or employee. Transportation for officers and employees of the Puerto Rican Government from Puerto Rico is arranged through the Governor of Puerto Rico, and from the United States through the Director of Territories and Island Possessions, Department of the Interior. Children and female passengers may not be taken on outward voyages from the continental United States.

§ 631.4 *Stowaways and workaways.*

(a) The transport commander, agent, the master, and ship officers will use every precaution to prevent persons boarding Army transports as stowaways.

(b) In order to prevent unauthorized persons from boarding transports in the uniform of enlisted men, the commanding officers of units to embark immediately prior to embarkation will conduct a roll call inspection to see that only members of their organization are present in ranks. Before anchor is weighed if there is any reason to suspect that stowaways or other unauthorized persons are aboard, the transport will be searched by the ship's officers under the direction of the master. The transport commander will form the troops in ranks or otherwise dispose them so as to facilitate a thorough search of every part of the ship.

(c) The transport commander will see that all stowaways, whether alien or claiming American citizenship, and all workaways are reported to the port debarkation officer immediately upon arrival. The port debarkation officer will make necessary arrangements with immigration authorities, and the stow-

ways or workaways will not be permitted to leave the ship until they have been properly cleared.

(d) In the Philippines, they will be given the option of remaining aboard and returning on the transport or being turned over to the civil authorities for prosecution as vagrants. In other oversea ports they will be confined in a military guardhouse until disposed of in accordance with instructions from the immigration officials.

(e) In addition to the record in the office of the ship transportation officer or transportation agent, the master will cause to be entered in the ship log a record of all stowaways and workaways.

§ 631.5 *Articles of an explosive or highly combustible nature excluded from baggage.* Articles of an explosive or highly combustible nature will be excluded from all property and baggage loaded on transports, and no one will be permitted to have inflammable oils or explosives in his possession.

§ 631.6 *Transport messes—(a) Classification.* Each Army transport will, when practicable, have separately established thereon a main galley and a troop galley. The following messrooms will be established, when practicable, on each Army transport and serviced from galleys as indicated:

- | | |
|---|----------------|
| (1) Saloon mess..... | } Main galley. |
| (2) Chief petty officers' mess..... | |
| (3) Crew mess..... | |
| (4) Patient mess (hospital ships only)..... | |
| (5) Troop mess..... | Troop galley. |

(b) *Saloon mess.* (1) The persons who may be subsisted in the saloon mess are the transport commander and commissioned staff, all commissioned military passenger personnel, including warrant officers, chief and junior grades and cadets of the United States Army Air Force, Navy, Coast Guard, and Marine Corps, all civilian ship's officers, cadets and cadet officers of the Maritime Commission, Red Cross workers, and all cabin class passengers.

(2) Where special detached messrooms are provided on transports for use of cabin class passengers in order to relieve crowded conditions of the regular saloon mess, such messrooms will be operated as a part of the regular saloon mess and governed accordingly.

(c) *Troop mess; civilian passengers with "troop" transportation.* All civilian passengers travelling troop class will ordinarily be assigned to the troop mess, but the transport commander or ship administrative officer may, at his discretion, assign any such passenger to any other mess, provided the passenger agrees to pay the increased charge for meals.

(d) *Meals in staterooms or quarters.* No meals or luncheons will be served to passengers, military personnel, ship's officers, or crews of transports in their staterooms or quarters, unless under written authority of the transport surgeon.

(e) *Complaints.* All complaints regarding service, quantity, quality, or palatability of food will be made to the transport commander and reported by him to the Superintendent, Water Division, at the home port with complete report of action taken.

(f) *Payment for subsistence required—*

(1) *General.* All persons chargeable for subsistence (except those listed in subparagraph (2) of this paragraph) will pay the ship administrative officer before embarkation at rates prescribed in paragraph (g) of this section. WD AGO Form 14-23 (old FD Form 16) (Schedule of Deposits for Meals Furnished to Officers of the Army and other Passengers and Persons Transported on United States Army Transports) will be prepared in quintuplicate; one completed copy will be filed as an inclosure to the subsistence account.

(2) *Commissioned Army personnel and Red Cross workers.* Commissioned Army personnel and Red Cross workers assigned to duty aboard ship will pay the ship administrative officer at the end of each voyage or immediately upon release from duty aboard the transport. WD AGO Form 14-23, will be prepared in three copies and one completed copy will be filed as an inclosure to the subsistence account. Personnel in this category when absent from the transport while in port, will not be required to pay for meals not taken, provided 1 day advance notice of absenteeism is furnished the ship administrative officer.

(3) *Dependents.* Dependents (including war spouses and children) when transported aboard Army transports, will be required to pay for subsistence, at time of embarkation, at the current prescribed rates.

(4) *Meals not taken.* Deductions will not be allowed for meals not taken during a voyage, or while the transport is in a foreign port, except as provided in subparagraph (2) of this paragraph.

(5) *Entertainment of guests.* When in port, guests may be entertained aboard transports by permission of the transport commander or ship administrative officer, but payment for subsistence so furnished will be made to the ship administrative officer at the current prescribed rate.

(6) *Through passengers remaining on transports.* Passengers traveling aboard Army transports may be accorded the usual accommodations on board, including subsistence.

(g) *Charges for subsistence; general rates.* The following charges will be made for meals furnished aboard Army transports to persons who are not entitled to be subsisted at Government expense:

(1) *Commissioned Army personnel and Red Cross workers.* The daily subsistence charge for commissioned Army personnel and Red Cross workers assigned to duty aboard ship will be the value of the current garrison ration at home port plus 65 percent per person.

(2) *Cabin class passengers.* (i) The daily subsistence charge for adults and children 6 years of age and over will be the value of the current garrison ration at home port plus 65 percent per person.

(ii) The daily subsistence charge for children under 6 years of age will be one-half of the adult rate in subdivision (i) of this subparagraph.

(3) *Troop class passengers.* The daily subsistence charge for troop class passengers will be the value of the current

garrison ration at home port plus 20 percent per person.

(4) *Computation.* Five mills (0.005) and over will be considered 1 cent in computing the above subsistence charges.

PART 632—CHARTER AND REDELIVERY OF VESSELS

CHARTER OF VESSELS

| | |
|--------|--|
| Sec. | |
| 632.1 | Commercial vessels. |
| 632.2 | Charters. |
| 632.3 | Time charter. |
| 632.4 | Bare-boat charter. |
| 632.5 | Rental of vessels by the Government. |
| 632.6 | Owners' obligation as to condition. |
| 632.7 | Survey. |
| 632.8 | Inventories. |
| 632.9 | Repairs. |
| 632.10 | Removal of equipment, etc. |
| 632.11 | Execution of charter. |
| 632.12 | Disposition of survey, inventory, etc. |
| 632.13 | Change of form of charter. |

REDELIVERY OF VESSELS

| | |
|--------|-----------------------------|
| 632.14 | General. |
| 632.15 | Letter of notification. |
| 632.16 | Prompt redelivery. |
| 632.17 | Notification of redelivery. |
| 632.18 | Inventory board. |
| 632.19 | Board of survey. |

AUTHORITY: §§ 632.1 to 632.19 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 55-515, 1 Sept. 1942; AR 55-520, 1 Sept. 1942.

CHARTER OF VESSELS

§ 632.1 *Commercial vessels.* Commercial vessels as necessary and available will be chartered by an agency of the Government created for that purpose and will be refitted for troop and cargo service in accordance with standard specifications, under the direction of the Chief of Transportation, and assigned to the several ports to supplement the owned service.

§ 632.2 *Charters.* Privately owned vessels when requisitioned or chartered in the usual way by the Government for and on account of the Transportation Corps of the Department of the Army will be taken over under the charter party on the prescribed form.

§ 632.3 *Time charter.* Under this form of charter the owner or other Government agency maintains in seaworthy condition and operates the vessel for the Department of the Army, furnishing at owner's or other Government agency's expense all tools, equipment, supplies, and services, and also employs, pays, and discharges the master, officers, and crew, and is charged with the upkeep of the vessel.

§ 632.4 *Bare-boat charter.* Under this form of charter the United States takes over and operates the vessel, furnishing all provisions, fuel, and water; pays, hires, and discharges the master, officers, and crew, and is charged with the upkeep of the vessel.

§ 632.5 *Rental of vessels by the Government.* Where the Government is in possession of a private vessel under rental agreement with the owners or other Government agency thereof during the time negotiations for its purchase by the Government are in progress, rent for the vessel is properly payable under the rental agreement un-

til approval of purchase agreement by the proper Government official, but in absence of any specific agreement the Government is not required or obligated to pay rent for the vessel subsequent to approval of purchase agreement up to and including date of payment of purchase money. (See 26 Comp. Dec. 738)

§ 632.6 *Owners' obligation as to condition.* Under either form of charter the vessel when accepted by the United States will be, or will forthwith be, made by and at the expense of the owner or other Government agency, tight, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running order and condition; fit for the service in which she has usually been employed. The following instructions must be carefully and thoroughly followed, as neglect in preparing and preserving a complete detailed record of the condition of the vessel at the time she is taken over, together with a complete detailed inventory, may cause great trouble and loss to the Government at the time of redelivery of the vessel to the owner, or other Government agency.

§ 632.7 *Survey.* (a) Upon receiving orders to take over a vessel from a private owner, or other Government agency, the officer charged with this duty, hereinafter called chartering officer, will call upon the owner or other Government agency delivering to him a copy of the requisition order, and arrange with the owner or other Government agency to make a survey of the physical condition of the ship and its machinery. The chartering officer will require the superintending engineer of the Army Transport Service at the nearest port to detail one or more marine experts experienced in the hull and deck departments of ocean-going steam vessels and one or more marine experts, holding license as chief engineer of ocean-going steam vessels and experienced in the operation, repair, and maintenance of the steam-engine department of ocean-going steam vessels, who in conjunction with the chartering officer and the owner or his representative will make a full, complete and detailed survey of the physical condition of the ship, its equipment, and machinery. This survey will specify the condition of each element and unit in the ship, whether excellent, good, fair, or poor, and if any element or unit be found other than excellent will specify in detail in what respect the condition is other than excellent, for example, if the bearing of crank shaft of main engine were found to have been burned out and the metal run, it would not be sufficient to show the main crank shaft as being "poor" but it would be required to have survey show in what respect it was "poor" by specifying the exact condition in detail. Such survey involves the opening up for inspection of all engines, machinery, and auxiliaries for examination, and the testing by operation of all machinery and appliances. The vessel must also be drydocked for survey, and report made on underwater parts including measurement of extent to which tail shaft is down, condition of paint on bottom, and any plates set up or indented,

any seams or rivets leaking, and any bilge keels broken, bent, or loose.

(b) This survey will be certified as correct as to the date taken, both by the chartering officer, the superintending engineer or his assistant, and the owner or his representative or other Government agency. In the event the owner or other Government agency does not agree as to any item or items of the survey, or refuses to sign such survey, a detailed statement as to disputed items, signed by the owner or his representative, should be obtained. If the owner or other Government agency refuses or neglects to make such statement, a detailed report as to items not agreed upon will be appended to the report of survey.

(c) Embodied in the report of survey will be a brief statement of the history of the vessel including its name, type, dead-weight tonnage, gross tonnage, passenger capacity; speed in knots per hour; consumption of coal or oil per 24 hours; the service in which the vessel has been engaged; a statement of accidents, groundings, collisions, etc., within the past year; when last drydocked; when last painted from truck to water line; when bottom last sealed and painted; when water tanks last sealed, cleaned, cement washed, and tested for tightness; when tail shafts last drawn; and a copy of United States inspection certificate, copy of hull board report on last drydocking, and copy of classification certificate and when classification expires appended. If the ship has no classification, that fact will be certified by owners.

(d) The report of survey will be accomplished in accordance with a model form to be furnished by the Chief of Transportation.

§ 632.8 *Inventories.* The port steward and transportation purveyor will, in company with the chartering officer, make a complete inventory of the consumable stores, provisions, coal, oil, and water, as well as all furnishings, spares, tools, and supplies on the vessel. This inventory will be checked with the inventory furnished by the owner or other Government agency under terms of the charter and, in case it does not agree in all respects with the owner's or other Government agency's inventory, the owner's or other Government agency's attention will be called to any discrepancies, and if not corrected a full and detailed report of the items of difference should be made.

§ 632.9 *Repairs.* As it is the duty of the owner or other Government agency, as hereinbefore stated, to deliver the vessel to the Government in every respect seaworthy and in good running order and condition, immediately upon the completion of the survey the owner or other Government agency will be notified in writing to accomplish forthwith such repairs as may be necessary to make the vessel seaworthy and place her in good and efficient running order. This notice will contain a detailed statement of the work demanded by the Government and be prepared by the superintending engineer and signed by him as well as by the chartering officer. In the event that the owner or other Gov-

ernment agency does not at once comply with the notice to make the vessel seaworthy and place her in good and efficient running order, or in the event the Government deems it expedient to itself accomplish the repairs necessary to put the vessel in good running order and condition or to make her seaworthy, such work will be directed by the chartering officer to be done under the supervision of the superintending engineer, and charged to the owner or other Government agency, the charges being deducted from the charter hire. An accurate account of the cost of such repairs will be kept.

§ 632.10 *Removal of equipment, etc.* In the event the Government removes from the vessel any of its furnishings, equipment, appliances, furniture, machinery, or installations, the superintending engineer will cause all such articles to be carefully boxed or crated and properly labeled with name of ship and list of contents; and same to be stored in a safe place for preservation against the time of redelivery of vessel to owner, or other Government agency. The superintending engineer will cause lists to be made in quadruplicate, showing all removals and giving the contents of each box or crate with place where stored; one copy of which will be delivered to the Chief of Transportation, one copy to owner of vessel, or other Government agency, one copy placed with the ship's papers, and one copy filed with the officer in command at the port where the removals are made.

§ 632.11 *Execution of charter* (a) The chartering officer will have the charter executed by the owner or other Government agency and by himself for the United States in triplicate, one copy for the General Accounting Office, Military Division, one copy for the Chief of Transportation, and one copy for the contractor on the ship.

(b) In determining the amount to be inserted in paragraph 14, time form, and paragraph 9, bare-boat form, the owner or other Government agency will be warned and cautioned against stating a false or fictitious value for his vessel; but will state true value of the vessel considering its age, history, and present condition.

§ 632.12 *Disposition of survey, inventory, etc.* The original and three copies of the survey, inventory, and reports connected therewith will be retained by or forwarded to the officer in charge of the designated home port, who will send one copy of each to the Chief of Transportation, one copy to the owner or other Government agency or the vessel, and one copy will be placed with the ship's papers.

§ 632.13 *Change of form of charter* In the event a boat has been under time charter and she is to be taken over on bare-boat form, all the steps heretofore outlined by way of survey, inventory, etc., will be performed as if the boat were coming into Government service for the first time with no previous Government service.

REDELIVERY OF VESSELS

§ 632.14 *General.* When a vessel under charter is to be redelivered to the owner or other Government agency the Chief of Transportation will advise the officer in charge of the port where redelivery will be made of the fact, designating the date set for redelivery and directing such officer to accomplish the redelivery. Upon receipt of this advice, the officer in charge of the port will advise the owner of the vessel and any other parties interested and will appoint a board of survey and an inventory board in accordance with §§ 632.18 and 632.19. In case the vessel has not yet arrived at the port, he will radio advice to the master of the intention to redeliver the vessel and instruct him to make such preparations for it as can be made before arrival, including inventory and statement of consumable stores.

§ 632.15 *Letter of notification.* (a) The letter to the owner or other Government agency will inform him of the intention to redeliver the vessel as soon as practicable after completion of the present voyage. He will be advised of the probable date of arrival of the vessel at the port, and of the actual date of arrival as soon as it is known.

(b) He should also be advised, in case he should allege damages to the vessel for which the Department of the Army is responsible, to submit in writing, without unnecessary delay, a verified claim giving in detail the items of such damage, with the cost and proof thereof; and that the claim should be complete, represent the entire claim of the owners and should so state; also that it is desirable that the owner or his representative be present during the survey of the vessel by a board convened for the purpose, for free consultation with members of the board in regard to any damages to the vessel while in the service of the Department of the Army and for conference to determine just settlement or the just lump sum to be paid by the Government in lieu of reconditioning the ship.

(c) Form of letter of notification of intention to redeliver:

Sm: You are hereby notified that the Department of the Army will turn over and deliver to you the S. S. _____ as soon as practicable after completion of the present voyage.

The present voyage will be completed upon the arrival of the vessel at this port, which it is expected will be on _____. You will be advised of the actual date of arrival as soon as it is known.

Should you deem that in accordance with the terms of the charter, you have any claim against the Department of the Army on account of this vessel while in the service of the Department of the Army, for alleged damages or otherwise, it is requested that you submit, without unnecessary delay, a verified statement giving in detail the items and the amounts involved to recondition the vessel according to the terms of the charter.

The claim should be complete, represent your entire claim, and should so state.

It is requested that either yourself or your representative be present during the survey of the vessel, before redelivery, for free consultation with members of the board in surveying the vessel and for conference in determining a just settlement or a just

lump sum to be paid you by the Government in lieu of reconditioning the ship.

(Signature of officer in charge of redelivery.)

§ 632.16 *Prompt redelivery.* In accordance with the terms of the charters of ships in the service of the Department of the Army, upon giving five days' written notice to the owner, or other Government agency, the United States may at any time, when the vessel is at a United States port, cancel the requisition charter without prejudice to the accrued rights of either party. In order that the owners may regain use of the vessel for commercial service as soon as practicable, it is desirable that this notice be served with a view of prompt redelivery of the vessel after the needs of the United States for the actual use of the vessel have been concluded, and when the vessel has been retained in the possession of the United States sufficient time to enable a thorough survey of the vessel to be made with a view of collecting all available evidence from the ship to determine the repairs necessary to recondition the ship, in accordance with the terms of the charter, or lump-sum settlement to be paid in lieu of repairs.

§ 632.17 *Notification of redelivery.* Therefore, when it is seen that the board of survey will complete its survey, findings, and recommendations, and that the vessel will be ready for redelivery on a certain date, the officer in charge of the port will cause a proper notice to be served upon the owner or other Government agency in accordance with the terms of the charter, stating in substance that on and after the date fixed the ship in question will be considered as redelivered to the owner, and that all responsibility therefor on and after such date will be with the owner, or other Government agency, and that the Department of the Army from such date will assume no obligations or liability concerning the vessel. In case of Army vessels manned by the Navy, the Navy Department will be advised of such action and will be requested to effect the actual delivery of the ship at the time designated. The following form of letter will be used for notification of redelivery:

Sm: You are hereby notified that the Department of the Army will turn over and deliver to you the S. S. _____ at _____ city of _____ State of _____ on the _____ day of _____ at _____ o'clock, this notice being sufficient in accordance with the terms of the charter.

You are further notified that from and after the above date and hour the said steamship will be at your expense for caretakers, wharfage and all other respects, no liability therefor remaining thereafter against the United States, the vessel being held thereafter subject to the owner's risk without prejudice to accrued rights.

(Signature of the officer in charge or redelivery.)

§ 632.18 *Inventory board.* The inventory board will consist of at least two officers. The duties of the board will be to prepare an inventory and a statement of consumable stores. The itemized in-

ventory and the statement will be delivered to the board of survey for their consideration as prescribed in § 632.19 (a). All articles of equipment on the ship supplied by the Department of the Army to which the Department retains title will be removed. All equipment belonging to the vessel will be inventoried by the inventory board accompanied by a representative of the owner, if practicable.

§ 632.19 *Board of survey—(a) Composition and general functions.* The board of survey will consist of three officers. The board will be provided with the services of any necessary technical advisors. Its duties will be to survey the vessel to determine the actual damages, if any, sustained by it while in the service of the Department of the Army to estimate the cost of repairs necessary to recondition the vessel in accordance with the terms of the charter, and to determine the lump-sum settlement regarded as just compensation to be paid the owner in lieu of repairs. In preparing their report the board of survey will consider the inventories and statements of consumable stores.

(b) *General procedure.* The board of survey will survey and will come to a finding on each vessel as soon as possible after its arrival at the port, after consideration of any itemized claims for damages submitted by the owner or other Government agency and of all possible evidence obtained relating to the history of the ship and its services prior to allocation to the Department of the Army. It will make a recommendation of the necessary repairs that should be made to place the ship in the same or as good order and condition as that in which she was when delivered to the United States, ordinary wear and tear and damage due to the operation of risks assumed by the owners excepted, and the lump sum regarded as just compensation for the damage occasioned to the vessel that it recommends to be paid in lieu of repairs. When, in the judgment of the board, minor repairs can be made without interference with the survey of the vessel, the matter should be brought promptly to the attention of the officer in charge of the port for necessary action. The board at its discretion may solicit bids for the accomplishment of repairs and consider such bids in arriving at the award determined upon. In case any member of the board disagrees with the majority, he will submit a minority report to be forwarded with the report of the board.

(c) *Testimony.* Testimony should be brief, to the point, provide facts, and not opinions. Interrogation as to a number of items of similar character can oftentimes be grouped together and considered in one question. If the witness says he does not know about the facts he should be interrogated as to who might know. The testimony of officers, crew, or persons who have personal knowledge of the facts will be taken to establish (1) the condition of the ship prior to and during service with the Department of the Army. Testimony as to ship's age and its prior use, such as for carrying sulphur, etc., has an important bearing,

as does history as to collisions, etc., (2) how the damage was occasioned and when, i. e., if prior to use by the Department of the Army or by third parties or through collision or accident or what other manner. For example: Testimony has shown that refrigeration repairs were due not to stevedore damage as claimed, but to original defective construction.

(d) *Owners not to participate in board's discussions.* The owners will not be allowed to participate in any discussion between representatives of the Government as to the proper amount to be paid the owners, nor will owners, their lawyers or representatives, be given access to the facts, figures, testimony, and information gathered by the Government officials in the preparation of its case.

(e) *Basis of dealings with owners.* All dealings with the owners should be on the basis of claims submitted by them and should consist of approving or disapproving each item in the light of the facts obtained from the Department of the Army's investigations.

(f) *Lump-sum agreement with owners.* The owner of the vessel or his authorized representative should be consulted by the board of survey with the view of recommending, if practicable, a just lump-sum payment in lieu of repairs that would be accepted by the owner. The owner or his authorized representative should sign a statement on the report as to his willingness to accept the lump-sum payment recommended in final settlement and should give full release of all claims and liabilities covering the use of the vessel while in the service of the Department of the Army, or furnish the board of survey with a statement of his objections, to be forwarded with the report of the board. The release should be on the form prescribed for the purpose.

(g) *Time allowance.* A rule for estimating time allowance or demurrage is to determine the period required to accomplish the repairs on Government account and deduct from this the length of time required to complete repairs to be made on owner's or other Government agency's account. For example: If the Government repairs require 20 days, owner's 10 days, the time allowance should not exceed 10 days. The owner or other Government agency can not object to this deduction on the theory that he does not intend to make these repairs following redelivery. Further, for example: If the Government repairs will require 10 days and the owner's or other Government agency's repairs 20 days, there should be no time allowance granted whatever. The basis for computing demurrage is not charter hire but the prevailing rate of hire that such vessel could earn when released for service. It may be less than charter hire. In case it should be greater that fact should be considered in advance in determining whether the charter should be canceled.

(h) *Form of charter to be considered.* The form of charter should be considered especially with reference to the obligations of the Department of the Army for reconditioning. Under a time charter when a vessel is manned by the owner he is responsible for maintaining the vessel in efficient state and operating

it. Repairs which become necessary in that connection are for his account, the Department of the Army being chargeable for such damage as results directly from the carrying of its cargo or troops, and which is not chargeable to wear and tear. The Department of the Army is also chargeable with the reconditioning of alterations made for its convenience. Under bare-boat charter the Department of the Army mans the vessel, and has the use of all equipment and stores and full charge of the operation. In this case the owner is chargeable with the wear and tear incident to the service contemplated under the charter, but the repairs necessary for maintenance and operation, accounts for articles of inventory and stores, and the reconditioning of alterations are chargeable to the Department of the Army. The board of survey should consult the judge advocate, maritime affairs, concerning the determination of the extent of the Government's obligations under the charter.

(i) *Drydocking.* When an inspection of the hull is deemed necessary to enable the board of survey to arrive at a decision as to the repairs necessary for damage claimed by the owners or other Government agency, the officer in charge of the port will arrange for the necessary drydocking, and in the case of Navy manned vessels the Navy Department will be requested to make arrangements for prompt drydockings so that the work of surveying both the inside and the outside of the vessel may proceed simultaneously. If it is found impossible to obtain necessary drydocking facilities, the matter will be reported to the Chief of Transportation for his decision as to whether the board of survey shall delay its findings until drydocking is had or whether the board shall submit a partial recommendation. In every case, however, unless specific instructions to the contrary are given, the report of the board of survey should cover fully in its recommendation the disposition of all claims for damages incurred on the vessel.

(j) *Alterations and additions.* Inquiry should be made as to whether or not any repairs or additions have been made to the vessel by which its condition has been bettered, and if so the value of these betterments so that the proper credit may be taken by the Government in the settlement. For example: Winches may have been installed by the Government and not taken off at redelivery. The mere fact that the removal of such installations might cost more than would be their value after removal is no reason for not crediting the Government with their value if they are left on board and are an improvement to the vessel. In case a money allowance is made to the owners or other Government agency, for their removal, the Government should receive credit for the value they will have after removal, or provision should be made that they be turned over to the proper Government department. In the case of gun mounts, gun crew's quarters, etc., it is particularly necessary to establish by testimony, as nearly as possible, the date of installation in order that the responsibility for removal may be properly placed.

(k) *Seaworthiness.* Inquiry should be made as to whether or not at the time of delivery to the Army repairs were made to render the vessel seaworthy and for which a reduction should be made by the Department of the Army in any settlement made by the owners. The facts in connection with this should be ascertained and reported together with such information as is obtainable as to whether notice for the necessity of these repairs was brought to the attention of the owners at the time. In some cases the Government has possibly waived its right to collect for these seaworthy repairs but the facts in connection should be shown in the report, and the charter will be followed as to charging them to owner's or other Government agency's account in the absence of other facts.

(l) *Consumable stores and inventory.* The board should examine carefully the survey, the statement of consumable stores and inventory made at the time the vessel was originally taken over. Awards made by the inventory board should be closely scrutinized to avoid duplication of any items by allowing them as restoration on the report of survey.

(m) *Fair wear and tear.* In determining lump sum for damages or in considering just and reasonable repairs to place the vessel in same condition as when received, no payment or repairs will be made where damages result from fair wear and tear.

(n) *Dock trial.* In redelivery the dock trial should be in the presence of old and new engine departments.

(o) *Points to be included in report of board of survey.* The report of the board of survey will include the following:

(1) A brief statement of the time, place, and character of the inspection made by the board of survey in arriving at the conclusions reached in their report.

(2) A brief history of the vessel, showing when and where it was received into the service of the Department of the Army, under what circumstances, and charter arrangements; the use of the vessel in the Army service; the general condition of the vessel at the time of its delivery to the Army compared with condition of redelivery; a statement showing what property and equipment have been installed by the Department of the Army during its use of the vessel.

(3) An itemized statement of the repairs necessary to put the vessel in condition required by charter and the lump sum regarded as just compensation for the damage thus occasioned to the vessel and recommended to be paid in lieu of repairs, giving such detail as will clearly indicate the reason for the action of the survey board.

(4) In case repairs are to be made a statement that these repairs cover only damage done to the vessel while in the service of the Department of the Army and required to place the vessel in the same or as good condition as that in which she was taken over for operation for the Department of the Army, ordinary wear and tear excepted.

(5) In the event that a money payment is recommended by the board cov-

ering the time the vessel is undergoing repairs, a statement that such payment covers the loss of services of the vessel during such time repairs are being accomplished. This figure should be arrived at independently of charter hire and in no case should exceed the sum equal to the charter hire for the period which the board estimates necessary to accomplish such repairs.

(p) *Forwarding report of board.* The report of the board of survey will be forwarded to the Chief of Transportation through the officer in charge of the port. The latter will forward with the report any recommendation he may wish to make thereon. If the report is considered complete by the Chief of Transportation it may be referred to the Judge Advocate General for review and legal opinion, in case there are any unusual features or any legal points involved which the latter has not already passed upon. In the event that the report is not complete or in proper shape, the Chief of Transportation will take such action as he may deem necessary to have the report completed. Final action will be taken on all reports by the Chief of Transportation acting for the Secretary of the Army. The Chief of Transportation will also take the necessary steps to cause any payments to be made to the owners which he may approve on these reports.

PART 633—TRANSPORTATION OF INDIVIDUALS

| | |
|--------|---|
| Sec. | Dependents. |
| 633.1 | Applicants for enlistment, and recruits. |
| 633.2 | Civilian witnesses before military courts; not in Government employ. |
| 633.3 | Enlisted persons, upon retirement. |
| 633.4 | Enlisted personnel upon discharge or relief or release from active duty. |
| 633.5 | Cadets discharged from the United States Military Academy. |
| 633.5a | Military personnel separated from active service under conditions other than honorable. |
| 633.5b | Remains. |
| 633.6 | Checkable personal baggage. |
| 633.7 | Transportation of authorized baggage. |
| 633.8 | Sleeping car and similar accommodations. |
| 633.15 | |

AUTHORITY: §§ 633.1 to 633.15 issued under R. S. 161, 41 Stat. 604, 49 Stat. 421, 56 Stat. 364, 60 Stat. 126; 5 U. S. C. 22, 10 U. S. C. 756, 756b, 37 U. S. C. 112, 112d.

DERIVATION: AR 55-120, Apr. 26, 1943; AR 55-160, Apr. 26, 1943; TM 55-525, June 1945.

§ 633.1 *Dependents*—(a) *To whom transportation furnished*—(1) *Military personnel, permanent change of station*—(i) *When authorized.* Subject to subdivision (ii) of this subparagraph, and also subparagraph (3) of this paragraph, effective June 1, 1942, when any officer, warrant officer, or enlisted man above the fourth grade is ordered to make a permanent change of station, the United States will furnish transportation in kind from funds appropriated for the transportation of the Army to his new station for his dependents: *Provided*, That if the costs of such transportation exceed that for transportation from the old to the new station, the excess costs

will be paid to the United States by the officer, warrant officer, or enlisted man concerned.

(ii) *Restriction.* For military reasons, for the duration of the present war, only one such movement of dependents is authorized on and after September 1, 1942. Present regulations governing the movement of dependents of military personnel returned to civil life through retirement, discharge, or relief from active duty remain in effect and are not modified by the foregoing limitations.

(iii) *Permanent change of station defined.* The words "permanent change of station" as used in subdivision (i) of this subparagraph include the change from home to first station when an officer, warrant officer, or enlisted man, including retired personnel and members of the reserve components of the Army, is ordered to active duty other than training duty and the change from the last station to home in connection with retirement, relief from active duty, or transfer to a reserve component. An enlisted man discharged in order to enable him to accept an appointment as an officer and ordered as such to proceed to another station for duty is an officer ordered to make a permanent change of station within the meaning of this paragraph.

(iv) *Officer candidate*—(a) *Commissioned graduates.* A commissioned graduate of an officers' candidate school, having dependents as defined in paragraph (b) of this section, may be furnished transportation for such dependents as follows:

(1) *Transferred to school as warrant officer or noncommissioned officer of first three grades.* From last permanent duty station (from which transferred to the school) to first permanent duty station as a commissioned officer.

(2) *Transferred to school as an enlisted man below the first three grades.* From the home of record indicated at time of acceptance of commission to the first permanent duty station as a commissioned officer.

(b) *Nongraduates.* A nongraduating warrant officer or enlisted person of the first three grades, having dependents as defined in paragraph (b) of this section, may be furnished transportation for such dependents from the last permanent duty station (from which transferred to the school) to the new permanent duty station (to which transferred from the school) or as otherwise authorized by this part. Transportation at Government expense for dependents of nongraduate enlisted men below the first three grades is not authorized.

(2) *Officers of graduating classes of United States Military Academy.* Effective January 19, 1943, for the duration of the war, officers of the graduating classes of the United States Military Academy will be entitled to transportation for their authorized dependents, at Government expense, from the home of the officer concerned or from West Point, New York, as actually performed, to the first permanent station, including a station at a service school of respective arms or services at which they may be assigned for first permanent station. Transpor-

tation of dependents is also authorized from the first permanent station to the next permanent station. The transportation herein authorized is not subject to the wartime restriction stated in subparagraph (1) (ii) of this paragraph, except that upon completion of travel of dependents to the second permanent duty station all travel of dependents at Government expense thereafter, will be subject to such restriction.

(3) *Military personnel; evacuation, restricted assignments, temporary duty outside the United States, quarters not available, or indeterminate temporary stations within the United States—(i) When authorized.* Except as provided in subdivision (iv) of this subparagraph, for the period beginning December 8, 1941, and ending 6 months after the termination of the war, or such earlier time as the Congress by concurrent resolution or the President by proclamation may designate, dependents of military personnel may be furnished transportation at Government expense when officers, warrant officers, or enlisted men above the fourth grade are:

(a) *Evacuation.* On duty at places designated by the Secretary of the Army as within zones from which their dependents should be evacuated, for military reasons, or

(b) *Restricted area.* Transferred or assigned to permanent duty at places where their dependents are not, for military reasons, permitted to accompany them, or

(c) *Outside the United States.* Assigned to temporary duty outside the continental United States or in Alaska, away from their permanent stations on orders which do not provide for return to the permanent station, or which do not specify any limit to the period of absence from the permanent station, or

(d) *No quarters available.* Ordered to a permanent station where the commanding officer has determined that Government quarters for their dependents are not available. In case no Government quarters are available at the post, camp or station to which the military personnel is assigned, the individual concerned will furnish the transportation officer, at the time request is made for transportation of dependents, a certificate, in duplicate, to that effect, from the commanding officer having jurisdiction thereof.

(e) *Indeterminate temporary station within the United States.* Assigned to temporary duty within the continental United States exclusive of Alaska away from their permanent stations within the continental United States exclusive of Alaska on orders which provide that the individual, or the organization to which the individual is assigned, will not return to the former permanent station but will be ordered to a new station to be determined at a later date.

(ii) *Places between which transportation is authorized—(a) Restricted area; outside United States; quarters not available; indeterminate temporary station within United States.* Under provisions of subdivision (i) (b) (c) and (d) of this subparagraph, from the last permanent station (or home under subparagraph (1) (iii) of this paragraph to

any place in the continental United States exclusive of Alaska that such military personnel may designate, except a place within an area declared by the Department of the Army to be restricted so far as travel of dependents thereto is concerned. Transportation may be furnished from a place other than the last permanent station upon payment of the excess cost, if any.

(b) *Evacuation.* Under provisions of subdivision (1) (a) of this subparagraph transportation may be furnished from the place within the area ordered to be evacuated where the dependents are when the evacuation order becomes effective regardless of whether such dependents were entitled to transportation at Government expense to the point where located within the evacuation area. Dependents will not be entitled to transportation incidental to evacuation unless they are actually within an area at the time it is ordered to be evacuated. Transportation is authorized to places as prescribed in (a) of this subdivision.

(iii) *Subsequent transfer.* If transportation is furnished as prescribed in subdivision (ii) of this subparagraph and such military personnel is later transferred to a permanent duty station not within a restricted zone, dependents may, subject to subdivision (iv) of this subparagraph, be furnished transportation at Government expense from the place to which they were sent under subdivision (ii) of this subparagraph, to the new permanent duty station, or from any point to the new permanent duty station upon payment of the excess cost, if any.

(iv) *Restriction.* For military reasons, for the duration of the present war, the provisions of this subparagraph are subject to the restriction that only one such movement of dependents is authorized at Government expense on and after September 1, 1942, except that this restriction will not apply to movements which may be authorized by reason of mass evacuation from designated areas as directed by the Secretary of the Army. Mass evacuation in all instances is to be interpreted as an exodus from an area occasioned by a probable invasion, bombing, or other pressing necessity as determined by the Secretary of the Army.

(4) *Civilian employees—(i) When authorized.* Except as provided in subdivision (v) of this subparagraph for the period beginning December 8, 1941, and ending 6 months after the termination of the war, or such earlier time as the Congress by concurrent resolution or the President by proclamation may designate, dependents of a civilian employee may be furnished transportation at Government expense when such employee is:

(a) *Restricted area.* Transferred to a permanent duty station where dependents are not for military reasons permitted to accompany him, or

(b) *Evacuation.* On duty at a place designated by the Secretary of the Army as within a zone from which his dependents should be evacuated for military reasons, or

(c) *Outside the United States.* Transferred to temporary duty outside the continental United States or in Alaska, away

from his permanent station on orders which do not provide for return to such station or do not specify any limit to the period of absence therefrom.

(ii) *Places between which transportation is authorized—(a) From last permanent station except when evacuated.* From the last permanent station to any place in the continental United States exclusive of Alaska, that the employee may designate, except a place within an area declared by the Department of the Army to be restricted so far as travel of dependents thereto is concerned, and except further that transportation may be furnished, in the case of evacuation, from the place within the area to be evacuated where the dependents are when the evacuation order becomes effective, regardless of whether such dependents were entitled to transportation at Government expense to the point where located within the evacuation area. Dependents will not be entitled to transportation incidental to evacuation unless they are actually within the area at the time it is ordered to be evacuated.

(b) *From other than last permanent station.* If furnished under provisions of subdivision (1) (a) and (c) of this subparagraph, transportation may be furnished from a place other than the last permanent station upon payment of the excess cost, if any.

(iii) *Subsequent transfer.* If transportation is furnished as prescribed in subdivision (ii) of this subparagraph and the employee is later permanently transferred to a duty station not within a restricted zone, dependents may, subject to subdivision (v) of this subparagraph, be furnished transportation at Government expense from the place to which they were sent under subdivision (ii) of this subparagraph, to the new permanent duty station, or from any point to the new permanent duty station upon payment of the excess cost, if any.

(iv) *Regulations applicable.* Regulations applicable to transportation of dependents of military personnel of the Regular Army upon permanent change of station are hereby made applicable to transportation of dependents of civilian employees authorized under this subparagraph except as otherwise provided herein. Transportation of dependents is not authorized upon normal changes of station of civilian employees where the conditions in subdivision (i) of this subparagraph do not exist.

(5) *Dependents of civilian employees dying during assignment outside the United States—(i) When authorized.* Effective as of September 6, 1940, when a civilian employee of the Department of the Army dies during a period of assignment to a post outside the continental limits of the United States, or while in transit to or from such post, or while temporarily absent from duty thereat, the Department of the Army will pay the cost of transportation of the dependents of the decedent to his former home or to such other place in the United States not more distant than the former home as the Chief of Transportation may designate.

(ii) *Conditions.* The costs of transportation of dependents allowable under the foregoing will include the actual costs

of transporting such of the dependents of the decedent as are outside the continental limits of the United States to the designated destination, provided that the costs will not exceed the cost of transportation by the most direct route from the official oversea station of the deceased employee to said destination, and provided that travel is undertaken during the period of 1 year from the date of the decease of the employee.

(iii) *Terms defined.* Terms defined as used in this subparagraph:

(a) The word "home" means a fixed or permanent dwelling place synonymous with place of fixed abode as distinguished from a mere temporary residence.

(b) "Dependents" includes a lawful widow, children stepchildren, and adopted children, if unmarried, under 21 years of age, and in fact dependent upon the decedent for support, or if physically or mentally incapable of self-support regardless of age; and dependent parents who were a part of the decedent's household.

(c) "Continental United States" means the 48 States and the District of Columbia.

(iv) *Reimbursement.* Reimbursement for allowances herein specified is authorized. Otherwise, such transportation or reimbursement will be furnished under the same regulations as are applicable to the transportation of dependents of personnel of the Regular Army on permanent change of station.

(6) *Transportation otherwise authorized for dependents of deceased military personnel.* Where an officer or enlisted man dies while on duty outside the continental limits of the United States his authorized dependents are entitled to transportation from the duty station overseas at which he dies either to his home or place of burial in the United States. If not authorized by the foregoing statement, transportation is not otherwise authorized for dependents in the case of decease of officers and enlisted men, except in the status of attendant to remains. (See MS Comp. Gen. A 24108, September 19, 1928.) See also § 633.6 reference dependent acting in the capacity of an attendant. Dependents entitled to transportation under this subparagraph are those entitled to transportation in connection with permanent change of station. Transportation must be used within 1 year from date of decease of the officer or enlisted man.

(b) *Dependents defined.* Except as otherwise indicated in paragraph (a) (5) of this section, the term "dependent" as used in these regulations includes: lawful wife, unmarried children under 21 years of age (including stepchildren and adopted children who are in fact dependent) and the father and mother of the person concerned, provided he or she is in fact dependent upon such person for his or her chief support.

(c) *Station of warrant officer Army Mine Planter Service, defined.* For warrant officers, Army Mine Planter Service, the term "station" as used herein will, in addition to the definition in paragraph (a) (1) (iii) of this section, be interpreted to mean a shore station or the home port of the vessel to which the

warrant officer is ordered. A duly authorized change in home port of such vessel will be considered to be a change of station.

§ 633.2 *Applicants for enlistment, and recruits—(a) Applicants for enlistment.*

(1) Transportation will be furnished to accepted applicants for enlistment from the place of acceptance for enlistment, whether a recruiting station or other place where tentatively accepted by a member of a canvassing party or other authorized representative of the recruiting service, to a recruit depot or other designated place of enlistment.

(2) *Return transportation; when furnished.* Return transportation to the place of acceptance for enlistment will be furnished to applicants for enlistment who are rejected upon final examination, except those who:

(i) Are rejected because of disqualifications for enlistment concealed by them, or

(ii) Refuse to enlist.

(b) *Recruits.* Recruits forwarded from place of enlistment will be furnished the same transportation as enlisted men on change of station.

§ 633.3 *Civilian witnesses before military courts; not in Government employ.* Civilians not in Government employ are paid mileage and will not be furnished with Government transportation; except that, when in the opinion of local commanding officers commercial transportation is inadequate, such civilian witnesses may be transported in Government-owned motor vehicles. When such transportation is furnished, a deduction of 3 cents per mile will be deducted from any payment for mileage otherwise due.

§ 633.4 *Enlisted persons, upon retirement—(a) Transportation.* There is no authority of law for issuing a transportation request to an enlisted person upon retirement for any distance for which the law provides that such person receive travel pay at the rate of 5 cents per mile. For sea travel involved in travel between place of retirement and place to which travel is authorized, only transportation in kind shall be allowed for such sea travel, subject to paragraph (b) of this section; *Provided*, That where such person is permitted by the Department of the Army to select as a residence a foreign country under the conditions set forth in current Army regulations, transportation in kind involving sea travel thereto may be furnished only when the action required by said regulations has been taken and it is so stated in competent travel orders.

(b) *Time limit—(1) General.* Except as provided in subparagraph (2) of this paragraph, a period ending 1 year after the termination of the wars in which the United States is now engaged or 1 year after the effective date of retirement, whichever is later, is fixed for military reasons as the time during which transportation in kind authorized in paragraph (a) of this section, may be furnished for the commencing of sea travel of retired enlisted persons.

(2) *Exception; hospitalization.* If the individual is confined in a hospital undergoing medical treatment on the ef-

fective date of retirement and continuously therefrom in hospitals during the fixed period specified in subparagraph (1) of this paragraph, or beyond, the transportation in kind for sea travel may be furnished for such travel commencing within 60 days from the date of discharge from such medical treatment; *Provided*, That the application for transportation in kind is supported by a statement of the responsible medical officer certifying as to said extent of medical treatment. If transportation in kind is furnished by commercial vessel the original statement, annotated with the serial numbers of the transportation requests issued, will be sent by the transportation officer to the disbursing officer designated to pay the carrier's bill. A copy of the statement will be retained with the transportation officer's copy of the transportation request. No other copies of the statement are necessary.

§ 633.5 *Enlisted personnel upon discharge or relief or release from active duty—(a) Normal discharge or relief or release from active duty.* There is no authority of law for issuing a transportation request to an enlisted person on discharge or relief or release from active duty or any distance or which the law provides that such person receive travel pay at the rate of 5 cents per mile. See AR 35-2560.¹

(b) *Discharge on account of fraudulent enlistment.* Transportation in kind will be furnished under the conditions set forth in AR 615-366.²

§ 633.5a *Cadets discharged from the United States Military Academy.* Cadets of the United States Military Academy upon being discharged from the service are not entitled to mileage (AR 35-3070), but are entitled to transportation in kind from the academy to their home, except that a cadet discharged for physical disability while in a hospital under orders is entitled to transportation in kind from the hospital to his home (1 Comp. Gen. 356) and that a cadet who is in a status of leave of absence from the United States Military Academy awaiting the result of a re-examination, and who is found deficient upon re-examination and ordered to be discharged, may be furnished transportation in kind from the point at which he receives notice of discharge to his home; *Provided*, That the cost of such transportation in kind is no greater than that from West Point, New York, to his home.

§ 633.5b *Military personnel separated from active service under conditions other than honorable.* Any member of the military forces who is hereafter separated from active service under conditions other than honorable may be furnished transportation in kind at Government expense from the place of separation from active service to the place at which he entered upon active service or home of record; *Provided*, That no transportation will be furnished under this section to any person who is

¹ Administrative Army Regulations pertaining to travel pay of enlisted men upon discharge.

² Administrative Army Regulations pertaining to discharge.

in confinement pursuant to sentence of a civil court at the time of separation from active service.

§ 633.6 *Remains*—(a) *For whom transportation authorized and expenses allowable.* See AR 30-1830 and §§ 536.51 to 536.53 of this chapter.

(b) *From points outside continental limits of United States, including Alaska, to ports of debarkation in continental limits of United States, exclusive of Alaska, for interment therein.* See paragraph (c) of this section.

(1) *Remains.* Government means of transportation will be utilized wherever possible for the shipment of remains from points outside the continental limits of the United States, including Alaska, to ports of debarkation in the continental limits of the United States, exclusive of Alaska. For any distance that the foregoing prescribed means of transportation cannot be used or is considered impracticable shipment may be made by the most economical means of commercial transportation.

(2) *Attendants*—(i) *Relative.* Subject to subparagraph (3) of this paragraph transportation including berth when an extra charge is made therefor may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the port of debarkation in the continental limits of the United States exclusive of Alaska and return to point at which such attendant assumed the custody of remains.

(ii) *Persons in military service.* No military attendant will be furnished for any portion of the journey where a relative acts in that capacity. In any case where the relative attendant will not accompany the remains for the entire distance, a military attendant will be furnished to accompany the remains for that portion of the journey where the remains will not be accompanied by such relative, except as provided in the exception stated below.

Exception: Where the remains are to be shipped by Army facilities for any portion of the distance to the port of debarkation in the continental limits of the United States, exclusive of Alaska, and the commanding officer at the place of death does not have a military attendant available for the complete journey, he will provide a military attendant only to the port of embarkation outside the continental limits of the United States, including Alaska, at which transshipment is made on the Army facility. The attendant will deliver the remains and all accompanying papers to the Army representatives at the port who will be responsible for delivering them to the ship transportation agent aboard the Army vessel, or to the flight clerk aboard the Army aircraft when such mode of transportation is utilized. In the event that there are no United States Army representatives at the port, the custody and responsibility of the remains and all accompanying papers will remain with the attendant until such time as he can deliver them to the ship transportation agent, or to the flight clerk, as the case may be.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of § 633.1 (a), the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished. See subparagraph (2) of this paragraph.

(c) *From ports of debarkation or place of death to place of interment all within continental limits of United States, exclusive of Alaska*—(1) *Methods.* (i) By express, without an attendant (AR 55-155) or

(ii) As baggage on a transportation request, with an attendant.

(2) *By whom method determined.* The method of shipment will be determined by the commanding officer having jurisdiction of the place at which death occurs or of the port of debarkation, who will conform as far as practicable to the wishes of the relatives.

(3) *When shipped as baggage on transportation request*—(i) *Attendants*—(a) *Relative.* Subject to paragraph (b) (3) of this section, transportation and authorized sleeping-car or similar accommodations prescribed in TM 55-525 and § 633.15, may be furnished to a relative in the capacity of an attendant to the remains of each person from place of death or the port of debarkation, or an intermediate point, to the place of interment within the continental limits of the United States, exclusive of Alaska, and return to point at which such attendant assumed the custody of remains.

(b) *Persons in military service.* When no relative is furnished transportation from the place of death or the port of debarkation in the United States, one military attendant to the remains of one or more persons to the same destination will be provided from such place or port to the place of interment within the continental limits of the United States, exclusive of Alaska, or to an intermediate point from which a relative will act as attendant for the remaining journey. The selection of the military attendant will rest with the commanding officer, but will in general be of a status corresponding to the former status of the deceased, that is, the attendant for a commissioned officer will be an officer; for a cadet, United States Military Academy, a cadet; for a member of the Army Nurse Corps, an Army nurse; for an enlisted man, an enlisted man, etc.

(ii) *Transfers en route.* The transportation request for remains and attendant will be issued through from point of origin to destination regardless of any transfers involved between carriers' stations en route, but no indorsement will be made on the transportation request to cover such transfers of the remains. The carrier's agent will check the remains through from origin to destination. The baggage agent will make the arrangements for transfer. The attendant will sign a receipt to the baggage agent covering the transfer service, but the attendant will not pay therefor. The bills, if a charge is made for the transfer serv-

ice, supported by these receipts will be submitted by the accounting department of the carrier to the Finance Officer, U. S. Army, Transportation Division, Washington 25, D. C., for payment of any amount properly due.

(4) *Local delivery at destination.* See AR 30-1830 and §§ 536.50 to 536.53, of this chapter.

(d) *Between points outside continental limits of United States, including Alaska, where through journey involves debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *From place of death to port of debarkation in continental limits of United States, exclusive of Alaska.* All the provisions of paragraph (b) of this section will apply except those set forth in subparagraph (3) of paragraph (b) with respect to dependents. Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" and AR 55-121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished.

(2) *From port of debarkation to port of embarkation, all within continental limits of United States exclusive of Alaska.* Upon receipt of particulars from the commanding officer at the place of death, the commanding officer of the port of debarkation in the continental limits of the United States, exclusive of Alaska, will make request on the Chief of Transportation for instructions with respect to shipment of the remains to the port of embarkation in the continental limits of the United States, exclusive of Alaska, for further shipment. Upon receipt of instructions from the Chief of Transportation, the commanding officer of the foregoing port of debarkation will issue necessary orders covering the shipment. The commanding officer of the foregoing port of debarkation will furnish the commanding officer at the foregoing port of embarkation with all particulars and request that further orders be issued covering further shipment from that port.

(3) *From port of embarkation in continental limits of United States, exclusive of Alaska, to place of interment outside continental limits of United States, including Alaska.* All the provisions of paragraph (e) of this section will apply, substituting the words "the commanding officer of the port of embarkation in the continental limits of the United States, exclusive of Alaska" for the words "the commanding officer at the place of death" wherever the latter words as quoted appear therein.

(e) *Between points outside continental limits of United States, including Alaska, where through journey does not involve debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *Remains.* Government means of transportation will be utilized wherever possible for shipment of remains. For any distance that the foregoing prescribed means of transportation cannot be used, or are considered im-

practicable, shipment may be made by the most economical means of commercial transportation.

(2) *Attendants.* An attendant will be furnished for the complete journey.

(1) *Relative.* Subject to subparagraph (3) of this paragraph, transportation, including berth when an extra charge is made therefor, may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the place of interment, and return to point at which such attendant assumed the custody of the remains.

(ii) *Persons in military service.* A military attendant will be furnished for any portion of the journey where a relative does not act in that capacity.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" and AR 55-121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished for that portion of the journey.

§ 633.7 Checkable personal baggage—

(a) *Definition.* (1) Checkable personal baggage consists in general of trunks and the hand baggage usually carried by travelers.

(2) Railroad tariffs contain a provision that baggage must be enclosed in receptacles provided with handles or other suitable means for attaching checks. When tendered to carriers for transportation as checked baggage, trunk lockers or other receptacles without handles will either be provided with securely fastened handles or will be bound securely around both lengths with rope.

(b) *Weight of baggage usually carried free.* Tickets issued by carriers usually, though not always, provide for the free carriage of 150 pounds of baggage. (See also paragraph (d) of this section.)

(c) *When less than 100 pounds carried free.* When the tickets obtainable by enlisted men and applicants for enlistment provide for the free carriage of less than 100 pounds of baggage, the transportation request will provide for the transportation of sufficient excess baggage to make a total of free and excess not to exceed 100 pounds per man, except that on commercial aircraft the provisions of paragraph 3 of AR 55-120.¹

(d) *On transoceanic or Alaska voyages—*(1) *Allowance by the rail carriers and certain steamship lines.* Under the terms and conditions set forth in the Joint Military Passenger Agreement with the rail carriers and certain steamship lines in the continental United States, exclusive of Alaska, a free allowance of 350 pounds of personal baggage on an adult ticket and 175 pounds on a child's half-fare ticket, of all classes, except special coach tickets, will be transported by the carriers parties to that agreement, for the following classes of

traffic presenting tickets purchased for cash or issued in exchange for Department of the Army transportation requests, when traveling in the United States on such tickets to or from ports en route to or from oversea points as indicated in subdivisions (i) (ii), (iii) of (iv) of this subparagraph, regardless of whether the passengers use Government or commercial facilities between such ports and oversea points:

(i) En route to or from trans-Pacific points via Atlantic or Gulf ports, or via Pacific ports: All military personnel; authorized dependents of military and civilian personnel for whom transportation is authorized by the Department of the Army; civilian employees (including laborers) of the Department of the Army; and employees of the American Red Cross transported at the expense of the Department of the Army.

(ii) Ordered to or detached from duty at stations in Alaska when traveling to or from a Pacific port: Commissioned officers and warrant officers.

(iii) Ordered to or detached from duty at trans-Atlantic stations when traveling to or from an Atlantic port (see subdivision (vi) of this subparagraph) Commissioned officers and warrant officers.

(iv) En route to or from all points outside the continental limits of the United States not covered by subdivision (i) of this subparagraph, via Atlantic or Gulf ports, or en route to or from points in Alaska via Pacific, Atlantic, or Gulf ports (see subdivision (vi) of this subparagraph) Authorized dependents of military and civilian personnel for whom transportation is authorized by the Department of the Army.

(v) *Provisional reduction:* The foregoing is based upon the commercial allowance in connection with trans-Pacific transportation, as prescribed in current tariffs, and if such allowance is hereafter reduced, the baggage allowance authorized above will be correspondingly reduced.

(vi) *Expiration date of provisions covering free allowance via Atlantic or Gulf ports:* Under the terms and conditions of the above-mentioned Joint Military Passenger Agreement, the provisions outlined in subdivisions (iii) and (iv) of this subparagraph covering free allowance via Atlantic or Gulf ports will expire 6 months after the termination of the war as officially proclaimed by the President or the Congress of the United States.

(2) *Allowance by bus carriers.* Under the terms and conditions set forth in the Joint Bus Military Agreement with certain commercial bus carriers in the continental United States, exclusive of Alaska, the same amounts of personal baggage, for the same classes of traffic and under the same conditions as authorized by the rail carriers and set forth in subparagraph (1) of this paragraph, will be transported by the bus carriers parties to that agreement, and on all classes of trans-Atlantic or trans-Pacific traffic not included in subparagraph (1) of this paragraph, free allowance of 200 pounds of personal baggage will be allowed by the bus carriers on an adult ticket and 75 pounds on a child's

half-fare ticket, as prescribed in current tariffs, and if such allowance is hereafter reduced, the baggage allowance authorized by the agreement will be correspondingly reduced.

(3) *Method of obtaining the free allowance.* In order to obtain the weight allowance of baggage authorized in subparagraphs (1) or (2) of this paragraph, outbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket to the port of embarkation and a copy of travel orders or other official document issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler is en route to the applicable points designated in subparagraph (1) (i), (ii), (iii) or (iv) of this paragraph, as the case may be, by Government or commercial facilities beyond such port. Similarly, inbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket from the port of entry to destination and a copy of travel orders or other official document issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler has arrived by Government or commercial facilities en route from the applicable points designated in subparagraph (1) (i) (ii), (iii) or (iv) of this paragraph, as the case may be.

(4) *Restrictions.* The foregoing provisions are subject to any restrictions of the Department of the Army which may be currently applicable regarding personal property or equipment which may be taken to or from oversea points or Alaska.

§ 633.8 *Transportation of authorized baggage—*(a) *When shipment authorized—*(1) *Disabled enlisted personnel.* Any enlisted person of the first, second, third, or fourth grade, from his last duty station to his home, who having 10 or more years' service in the Army is discharged on account of disability incurred in the line of duty, but no excess weight will be shipped. See sec. 1, act of August 29, 1916 (39 Stat. 633; 10 U. S. C. 823)

(2) *Upon decease.* The effects of officers, including officers of the Army of the United States; Reserve officers; Women's Army Corps officers; officers of the National Guard of the United States; Army nurses; dietitians, physical therapy aides, and commissioned technical and professional female personnel of the Medical Department; warrant officers; flight officers; cadets, United States Military Academy; aviation cadets; or enlisted personnel; or civilian employees who die in the service may be shipped from their last duty stations and/or places of storage to such places as may be the homes of their legal heirs. The term "die in the service" as used in this subparagraph includes also death within the period of 1 year after date of retirement of such persons, excepting civilian employees, whose effects had not been previously shipped in connection with their retirement. The term "effects" as used in this subparagraph means household goods and other personal property,

¹ Administrative regulations of the Department of the Army pertaining to transportation of individuals.

including personal effects, and professional books and papers, but without limitation as to weight; but it does not include automobiles. Shipment will not be made in separate lots to any one heir from any one shipping point.

(b) *When shipment not authorized.* Shipment of baggage at Government expense is not authorized in the following cases: upon reinstatement or reappointment, upon resignation or for officers at the time of honorable discharge.

§ 633.15 *Sleeping car and similar accommodations* — (a) *Allowances* — (1) *Through accommodations.* When sleeping-car accommodations are authorized in this part, the transportation requests will be issued for the accommodations authorized, from starting point to destination unless only coach service is operated at the beginning or end of the journey.

(2) *Standard accommodations; persons entitled to.* (i) Subject to the provisions of paragraphs (b) and (c) of this section, regarding patients and their attendants, the following-named persons, when traveling under orders, are entitled at public expense to a lower berth in a standard sleeping car, or a seat in a sleeping car or parlor car: *Provided*, That whenever they travel in groups comprised of such persons on journeys involving night travel, and the number of persons included in a particular group is sufficient to justify the utilization of a special standard sleeping car for their accommodation (see paragraph (e) of this section) each person included in the group will be furnished a lower berth in such car, except that if there are more than a sufficient number of persons to occupy all the lower berths in the entire car, then the remaining persons will be furnished an upper berth each in the same car. Whenever civilian employees entitled to a lower berth in a standard sleeping car, under the provisions of Department of the Army Civilian Personnel Regulations No. 155, are included in a group together with any of the following-named persons, and the total number in the group is sufficient to justify the utilization of a special standard sleeping car(s) for their accommodation, the civilian employees will be furnished berth accommodations on the same basis as that prescribed above for the other persons included in the group.

(a) Members of the Reserve Officers' Training Corps while traveling, except by organizations, to and from camps of instruction, when not paid travel allowances.

(b) Relative acting as attendant to remains, and return of attendant when required, under the provisions of Army Regulations.

(c) Cadets discharged from the United States Military Academy who are authorized to be furnished transportation in kind under the provisions of AR 55-120. (See also subdivision (ii) of this subparagraph.)

(ii) Cadets, United States Military Academy, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth

therein. (See subdivision (i) (c) of this subparagraph for cadets discharged from the United States Military Academy.)

(a) *Sleeping accommodations:* Except as provided in (c) of this subdivision, when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper. Groups of 15 cadets or more will be furnished standard sleeping-car accommodations on the basis of sections, 2 cadets to a section (one lower and one upper berth), the "odd number" cadet, if any, to be furnished a lower standard berth.

(b) *Seating accommodations:* Except as provided in (c) of this subdivision, for journeys other than those set forth in (a) of this subdivision, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished seats in a sleeping car or parlor car. Groups of 15 cadets or more will be furnished coach accommodations only.

(c) *Exceptions to (a) of this subdivision:* Cadets traveling as patients will be furnished the accommodations prescribed in paragraphs (b) and (c) of this section.

(iii) *Aviation cadets; noncommissioned officers of first grade:* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, aviation cadets and noncommissioned officers of first grade, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(a) *Sleeping accommodations:* When the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, aviation cadets and noncommissioned officers of first grade traveling individually, or included in groups of 4 persons or less consisting of aviation cadets and/or noncommissioned officers of first grade, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper, and groups of 5 persons or more consisting of aviation cadets and/or noncommissioned officers of first grade will be furnished standard sleeping-car accommodations on the basis of sections, 2 persons to a section (one lower and one upper berth) the "odd number" person, if any, to be furnished a lower standard berth. When aviation cadets and/or noncommissioned officers of first grade are included in the same group with any number of enlisted persons below the first grade and/or applicants or rejected applicants for enlistment the sleeping-car accommodations prescribed in subparagraph (3) of this paragraph will be furnished.

(b) *Seating accommodations:* For journeys other than those set forth in (a) of this subdivision, aviation cadets and noncommissioned officers of first grade will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommis-

sioned officers of first, and/or second and/or third grades. Aviation cadets and noncommissioned officers of first grade will be furnished only coach accommodations when they are included in groups of 15 persons or more consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(iv) *Noncommissioned officers of second and third grades:* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, noncommissioned officers of second and third grades, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(a) *Sleeping accommodations:* The foregoing noncommissioned officers will be furnished an upper berth in a standard sleeping car when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished sleeping-car berth accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(b) *Seating accommodations:* When berth accommodations are not authorized under (a) of this subdivision or subparagraph (3) of this paragraph, noncommissioned officers of second and third grades will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades. Noncommissioned officers of second and third grades will be furnished only coach accommodations when they are included in groups of 15 or more persons consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(v) *Enlisted persons below third grade:* Enlisted persons below third grade will be furnished an upper berth in a standard sleeping car, or a seat in a sleeping car or parlor car, when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished berth or seat accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(vi) *Dependents:* Wives, dependent children, and dependent fathers and mothers whose transportation is authorized by AR 55-120 are entitled to seats in a sleeping car or parlor car on the basis of one individual seat for each person, or to berths in a standard sleeping car on the following basis, regardless of the accommodations to which the indi-

vidual changing station may be entitled under the provisions of this section (dependents, other than wives, children, fathers, or mothers, whose transportation may be authorized under the "Missing Persons Act" by AR 55-121 are entitled to seats in a sleeping car or parlor car, or to berth accommodations in a standard sleeping car on the same basis as prescribed in this section for a dependent father or dependent mother)

- (a) One lower berth for:
 - Wife.
 - Dependent father.
 - Dependent mother.
 - Child alone.
 - Wife and child under 6 years of age.
 - Wife and female child over 6 years of age.

- Two children, same sex.
- Two children, opposite sex, both under 6 years of age.

- (b) One section, or separated lower and upper berths for:

- Wife and one child, male, over 6 years of age.
- Wife and two children.
- Two children, opposite sex, one or both over 6 years of age.

- (c) When the number of children exceeds two, accommodations for the additional children will be provided on the basis prescribed above for the first two children.

- (d) If a lower berth is not available under (a) and (b) of this subdivision, one upper berth may be furnished to each individual.

- (e) The foregoing allowance is based on all the dependents traveling together at the same time. If the dependents travel separately and the total allowance becomes exhausted through being furnished the accommodations and/or by claiming monetary allowance in lieu thereof (AR 55-120) no further accommodations may be furnished.

- (vii) In certain other cases, as prescribed in this section, standard accommodations may be furnished when other kind of accommodations are not available.

(3) *Tourist accommodations; persons entitled to whenever available.* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, the persons named in this section, when traveling under orders are entitled at public expense to the sleeping-car accommodations in accordance with prescribed regulations when journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train.

- (i) Aviation cadets and noncommissioned officers of first grade when included in the same group with any number of enlisted persons below the first grade and/or applicant or rejected applicants on enlistment.

- (ii) Enlisted persons below the first grade when not accompanying authorized dependents (see subparagraph (2) (iv) and (v) of this paragraph)

- (iii) Applicants or rejected applicants for enlistment.

- (4) *Transportation of aliens and other persons evacuated from military areas.* The lowest class of transportation by the facility used will be furnished aliens or

other persons evacuated from military areas pursuant to the provisions of Executive Order No. 9066 (3 CFR Cum. Supp.) except that where transportation is by rail carriers and the journey involves spending two nights or more on the train, sleeping-car accommodations will be furnished as prescribed in subdivisions (i) and (ii) of this subparagraph for the entire distance from point of origin to destination only for all children under 14 years of age and females who may be included in a movement.

- (i) Fourteen persons or less: When the total number of children under 14 years of age and females included in a particular movement is 14 or less, sleeping-car accommodations will be furnished in tourist sleeping cars of the regular section type, if available, otherwise in Pullman Company three-tier tourist sleeping cars, if available; otherwise in standard sleeping cars of the regular section type. Each person assigned to space in a Pullman Company three-tier tourist sleeping car will be furnished an individual tier berth, and persons assigned to space in sleeping cars of the regular section type will be furnished berth accommodations on the following basis:

- (a) A mother with her child or children under 14 years of age or a woman in charge of a child or children under 14 years of age, as prescribed for a wife and child or children in subparagraph (2) (vi) of this paragraph. (See also (d) and (e) of this subdivision.)

- (b) Other women 50 years of age and over, a separate lower berth for each. (See (d) and (e) of this subdivision.)

- (c) Other females 14 years of age and over, and under 50 years, two persons to a lower berth, the "odd number" persons, if any, to be furnished an upper berth. If an upper berth is not available for the "odd number" person, she will be furnished a lower berth. (See (d) and (e) of this subdivision.)

- (d) Where lower berths or a sufficient number thereof are not available, one upper berth will be furnished each individual to the extent that lower berths are not available on the basis set forth in (a) (b) and (c) of this subdivision.

- (e) The alternative allowances (upper or lower berths; tourists or standard accommodations) provided for in this subdivision contemplate furnishing the most economical accommodations available on the train (and connecting trains en route) and authorized. The higher cost berths and accommodations will be utilized only to the extent that those of lower cost are not available.

- (ii) Fifteen persons or more: (a) Kind of accommodations to be furnished. When the total number of children under 14 years of age and females included in a particular movement is 15 or more, they will be furnished accommodations in a tourist sleeping car or non-air-conditioned standard sleeping car substituted therefor, of the regular section type; *Provided*, That whenever a special sleeping car of the foregoing kind and type cannot be made available by the carriers, they will be furnished accommodations in the kind and type of special sleeping car which can be made avail-

able at the time the movement takes place.

The order of precedence in which special sleeping cars will be furnished by the carriers, according to availability, and the order of precedence in which such cars will be utilized when it is necessary for the carriers to furnish more than one kind of sleeping car for a particular movement, is prescribed in the current Joint Military Passenger Agreement.

- (b) *Physically disabled patients not traveling in a mileage status*—(1) *Kind of accommodations.* It will be the policy to furnish accommodations for physically disabled patients, and any authorized attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "physically disabled patients" as used in this paragraph includes evacuees under Executive Order No. 9066 (3 CFR Cum. Supp.), but it does not include dependents in view of decision of the Comptroller of the Treasury (27 Comp. Dec. 1042) that no extra traveling expenses occasioned by disability will be paid by the Government in the case of dependents. No air-conditioned accommodations will be requested for attendants while not actually accompanying physically disabled patients but in such circumstance they will be furnished any authorized accommodations to which they be entitled for normal travel under the provisions of this section.

- (i) Except as set forth in subdivision (ii) of this subparagraph, physically disabled patients in movements of less than 15 persons (patients, including attendants) will be furnished one lower berth each or one upper berth each, whichever may be determined by the responsible medical officer. For persons (patients) restricted to tourist accommodations whenever available, under the provisions of this section the berths will be requested in sleeping cars, air-conditioned tourist where operated, otherwise air-conditioned standard where operated for the distance that such tourist is not operated. Where no air-conditioned sleeping cars of either kind are operated for any portion of the distance, the berths will be requested for such distance in non-air-conditions standard where operated. For persons (patients) entitled to standard accommodations, under the provisions of this section, the berths will be requested in air-conditioned standard sleeping cars where operated and in non-air-conditioned standard where operated for any portion of the distance that such air-conditioned cars are not operated. The foregoing shall not be construed to require a change of cars other than at the terminus of the car occupied. Whenever the condition of a physically disabled patient warrants the use of a seat and daylight sleeping-car or parlor-car schedules are available and adequate, as determined by the responsible medical officer, each such patient will be furnished a seat in such sleeping car or parlor car, observing the same rules with

respect to air-conditioned cars as apply above to furnishing a berth. Attendants will be provided for such physically disabled patients whenever the responsible medical officer determines that such is necessary. Regardless of grade or status, attendants will be furnished accommodations in the same car with the patients, a seat in the case of seat service, or the berth accommodations to which they are entitled under the provisions of this section, in the case of berth service.

(ii) Whenever a physically disabled patient in movements of less than 15 persons (patients, including attendants) may be expected to be noisy, ill-mannered, unrepresentable, or otherwise objectionable to the public, or is in such physical condition as to require exclusive accommodations, the responsible medical officer will furnish the transportation request a certificate, in duplicate, stating that the condition of the patient(s) requires exclusive accommodations. Attendants will be provided at all times for such physically disabled patients. Accommodations will be furnished for such physically disabled patients and their attendants in drawing rooms in air-conditioned parlor cars or in roomettes, bedrooms, compartments, or drawing rooms in air-conditioned sleeping cars, where such air-conditioned cars are operated; otherwise such room accommodations will be furnished in nonair-conditioned parlor or sleeping cars, where operated. The responsible medical officer, in coordination with the transportation officer, will determine in each case the number of attendants required, the class of accommodations required (that is, roomettes, bedrooms, compartments, or drawing rooms, whichever is the most economical available and meets the needs) and the total number of persons (physically disabled patients and attendants) not less than two, to occupy each double bedroom, compartment, or drawing room. Superior room accommodations will not be requested in any case where lower class room accommodations are adequate and available.

(c) *Insane patients not traveling in a mileage status*—(1) *Kind of accommodations*. It will be the policy to furnish accommodations for insane patients, and attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used.

The term "insane patients" as used in this paragraph means patients who are insane or who are undergoing observation for insanity or mental disorders. The term includes evacuees under Executive Order No. 9066 (3 CFR Cum. Supp.) but it does not include dependents (27 Comp. Dec. 1042). No air-conditioned accommodations will be requested for attendants while not actually accompanying insane patients but in such circumstance they will be furnished any authorized accommodations to which they may be entitled for normal travel under the provisions of this section.

(d) *Attendants with remains*. Attendants accompanying remains will be furnished the authorized accommodations to which entitled, except that transportation requests for parlor-car or sleeping-car accommodations will not be furnished for officer attendants, or other attendants entitled to the same mileage allowances, traveling in a mileage status.

(e) *Utilization of special sleeping cars or parlor cars*. Special sleeping cars or parlor cars will be utilized only when the expense does not exceed the cost of berths and seats authorized to be furnished. See the current Joint Military Passenger Agreement.

(f) *Receipt for accommodations furnished*. Travelers will be informed of the pertinent requirements of AR 55-110. Whenever the face of the transportation request is indorsed by the transportation officer, "Tourist whenever available," the traveler will be instructed to indorse over his signature in the space provided on the back of the request a statement as to the points between which tourist accommodations are furnished. In case tourist accommodations become available en route and the transportation request cannot be indorsed on account of its having been lifted by the agent or by the first conductor (there having been a change of conductors) then the traveler will promptly forward the statement to the disbursing officer designated to pay the carrier's bill. The statement will also cite the serial number of the transportation request. Travelers will be instructed to advise the foregoing disbursing officer promptly whenever the accommodations used are less than those called for by sleeping-car or parlor-car tickets or transfer tickets.

(g) *Accommodations at variance with transportation request*. Procurement from a carrier on a transportation request of excess space of a lower class

than that called for by the request is prohibited, even though no additional cost to the Government is involved; for example, two lower tourist berths in lieu of a double berth in a standard sleeping car or seats in a parlor car in lieu of berths.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Dec. 48-10045; Filed, Nov. 16, 1948;
8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF VALENCIA ORANGES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 42, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIP- MENT, EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF VALENCIA ORANGES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That General Permit ODT 18A, Revised-42 (13 F. R. 5916) shall remain in full force and effect until December 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong., 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5541; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10516, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971)

Issued at Washington, D. C., this 12th day of November 1948.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Dec. 48-10900; Filed, Nov. 16, 1948;
8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended, June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regula-

tions hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

Caribbean Optical Mfg. Co., Carolina, Puerto Rico; to employ 200 learners in the occupation of assembling sun glasses for a period not in excess of 12 months at not less than 25 cents per hour for the first four months, not less than 30 cents per hour for the second four months, and not less than 35 cents per hour for the third four months. The certificate is effective September 24, 1948, and expires September 23, 1949.

Puerto Rico Hosiery Mills, Inc., Arecibo, Puerto Rico; to employ 100 learners in the full-fashioned hosiery industry, as follows: 35 learners as knitters and 15 as loopers at not less than 20 cents an hour for the first 480 hours; not less than 25 cents an hour for the second 480 hours; and not less than 30 cents an hour for the third 480 hours; and 30 learners as seamers at not less than 20 cents an hour for the first 480 hours and not less than 30 cents an hour for the second 480 hours; and 5 learners as menders at not less than 25 cents an hour for a learning period not to exceed 480 hours; and 15 learners as examiners at not less than 25 cents an hour for a learning period not to exceed 240 hours. This certificate is effective August 30, 1948 and expires February 5, 1949.

Manati Pearl Works, Inc., Manati, Puerto Rico; to employ 139 learners in the pearl button industry, as follows: 40 learners in the occupation of cutters for a learning period not exceeding 640 hours; 8 learners in the occupation of belt grinders for a learning period not exceeding 200 hours; 12 learners in the occupation of Barry machine operators for a learning period not exceeding 200 hours; 10 learners in the occupation of convex grinders for a learning period not exceeding 200 hours; 51 learners in the occupation of hand assorters for a learning period not exceeding 320 hours; 20 learners in the occupation of hand machine operators for a learning period not exceeding 200 hours; and 2 learners in the occupation of polishers for a learning period not exceeding 200 hours. The learners authorized to be employed under this certificate must be paid during their learning periods a rate not less than 75 percent of the applicable minimum rate of pay. This certificate is effective October 19, 1948, and expires April 18, 1949.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C. this 9th day of November, 1948.

ISABEL FERGUSON,
Authorized Representative
of the Administrator

[F. R. Doc. 48-9990; Filed, Nov. 16, 1948;
8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 30764]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 26, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278) I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467, 43 CFR section 682a) as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 290 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 98

For lease and sale for all purposes mentioned in the act except business:

T. 1 N., R. 6 E., S. B. M.,
Sec. 14: $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$,
 $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$,
 $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$.
Sec. 22: $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$,
 $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}$
 $SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$
 $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$
 $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$
 $NW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$
 $SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}$
 $NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}$
 $NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$.
Sec. 28: $S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$.

2. As to applications regularly filed prior to 8:30 a. m. March 19, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on December 28, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. December 28, 1948, to the close of business on March 28, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 19, 1948, to the close of business on December 28, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally, commencing at 10:00 a. m. on March 29, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m. March 19, 1948, to the close of business on March 29, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions extending north and south, with the following exceptions, where the longer dimensions will extend east and west:

$SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, Sec. 14; $NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, Sec. 22.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$20.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. I. HOFFMAN,
Regional Administrator

[F. R. Doc. 48-9988; Filed, Nov. 16, 1948;
9:00 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 26, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467, 43 CFR section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 94

For lease only for all purposes mentioned in the act except business:

T. 13 S., R. 1 W., S. B. M.,
Sec. 21, $SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$,
Sec. 34, $NE\frac{1}{4}SE\frac{1}{4}$.

2. As to applications regularly filed prior to 8:30 a. m. March 22, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on December 28, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. December 28, 1948 to the close of business on March 28, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 22, 1946, to the close of business on December 28, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally, commencing at 10:00 a. m. on March 29, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 22, 1946, to the close of business on March 29, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. I. HOFFMAN,
Regional Administrator.

[F. R. Doc. 48-9989; Filed, Nov. 16, 1948;
9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8688]

PORTORICAN AMERICAN BROADCASTING CO.,
INC.

ORDER CONTINUING HEARING

In re application of Portorican American Broadcasting Company, Inc., Ponce, Puerto Rico, Docket No. 8688, File No.

BR-1082, for renewal of license of Radio Station WPAB.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of November 1948;

The Commission having under consideration the petition of Portorican American Broadcasting Company, Inc., requesting that the place of the hearing upon the above entitled matter be changed from Washington, D. C., to Ponce, Puerto Rico.

It is ordered, That the petition be, and it is hereby granted.

It is further ordered, That the hearing now scheduled for November 17, 1948, be, and it is hereby continued to January 10, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10305; Filed, Nov. 16, 1948;
8:45 a. m.]

[Docket Nos. 7763, 7763]

TIMES-STAR PUBLISHING CO. AND D & K
BROADCASTING CO.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Abraham Kofman and Sara F. Kofman, co-partners, doing business as Times-Star Publishing Company, Alameda, California, Docket No. 7762, File No. BP-4418; Millard Kibbe and Donald K. Deming, d/b as the D & K Broadcasting Company, Palo Alto, California, Docket No. 7763, File No. BP-4690; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of November, 1948;

The Commission having under consideration the oral argument now scheduled in the above proceeding for November 15, 1948; and

It appearing, that it would be in the public interest to continue said oral argument to November 26, 1948;

It is, therefore, ordered, On the Commission's own motion, that oral argument in the above-entitled proceeding be, and it is hereby, continued until Friday, November 26, 1948, at 2:00 p. m.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10000; Filed, Nov. 16, 1948;
8:45 a. m.]

[Docket Nos. 8339, 8351]

COASTAL BROADCASTING CO. AND CITRUS
BELT BROADCASTERS, INC. (WSIR)

ORDER CONTINUING ORAL ARGUMENT

In re applications of Coastal Broadcasting Company, Lakeland, Florida, Docket No. 8039, File No. BP-5256; Citrus Belt Broadcasters, Inc. (WSIR), Winter Haven, Florida, Docket No. 8251, File No. BP-5937; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of November 1948;

The Commission having under consideration the oral argument now scheduled in the above proceeding for November 15, 1948; and

It appearing, that it would be in the public interest to continue said oral argument to November 26, 1948;

It is, therefore, ordered, On the Commission's own motion, that oral argument in the above-entitled proceeding be, and it is hereby, continued until Friday, November 26, 1948, at 2:45 p. m.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10007; Filed, Nov. 16, 1948;
8:45 a. m.]

[Docket Nos. 6971, 6972, 6973]

SCRIPPS-HOWARD RADIO, INC. (WCPO)
ET AL.

ORDER DESIGNATING APPLICATIONS FOR FURTHER HEARING ON STATED ISSUES

In re applications of Scripps-Howard Radio, Inc. (WCPO) Cincinnati, Ohio, Docket No. 6971, File No. BP-3838; Queen City Broadcasting, Inc., Cincinnati, Ohio, Docket No. 6972, File No. BP-4103; American Broadcasting Corporation (WLAP) Lexington, Kentucky, Docket No. 6973, File No. BP-4102; for construction permits.

Whereas, On March 4, 1948, the Commission adopted a decision in the above-entitled proceeding granting the application of American Broadcasting Corporation (WLAP), Lexington, Kentucky, and denying the applications of Scripps-Howard Radio, Inc. (WCPO) Cincinnati, Ohio, and Queen City Broadcasting, Inc., Cincinnati, Ohio; and

Whereas, On March 25, 1948, Scripps-Howard Radio, Inc. (WCPO) filed a petition for rehearing directed against that decision requesting that the Commission reconsider the decision and grant its application; and

Whereas, On March 25, 1948, Queen City Broadcasting, Inc., filed a petition for rehearing directed against the Commission's decision in this proceeding requesting (a) that the Commission reverse its decision and grant its application; or (b) that the Commission reopen the record in the proceeding to receive and consider full, complete, and accurate evidence with respect to (1) the radio service available in the Lexington, Kentucky, and Cincinnati, Ohio, areas, specifically, and the States of Ohio and Kentucky, generally, and (2) the proposal of petitioner to protect the primary service area of Station WSAV, Savannah, Georgia, or (c) that the Commission hold further argument on the issues presented by this cause; and

Whereas, On April 2, 1948, WSAV, Inc., Intervener in this proceeding, filed a reply to the foregoing petitions for rehearing; and

Whereas, On April 5, 1948, American Broadcasting Corporation (WLAP) filed

oppositions to the foregoing petitions for rehearing; and

Whereas, It appears that the record in this proceeding does not contain sufficient evidence of the areas and populations proposed to be served by the applicants herein, the other services available to such areas and populations, and the interference problems involved, which the Commission can consider in making a determination, and that the record should, therefore, be reopened to receive such evidence; and

Whereas, in view of the foregoing the Commission concludes that the decision should be set aside; that the record in this proceeding should be reopened; and that a further hearing should be held;

Now, therefore, *It is ordered*, This 20th day of October 1948, that the foregoing petitions for rehearing, insofar as they request that the decision in this proceeding be vacated and set aside and that the record in this proceeding be reopened for further hearing, be, and they are hereby, granted; and

It is further ordered, That the Commission's decision of March 4, 1948, in the above-entitled proceeding be, and it is hereby, set aside and vacated, and that the record in this proceeding be, and it is hereby, reopened for further hearing, at Washington, D. C., on the 22d day of November 1948, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed stations would involve objectionable interference with Stations WHKC, Columbus, Ohio, and WSAV, Savannah, Georgia, or with any other existing or proposed broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine on a comparative basis from the record made at the further hearing and the record heretofore compiled in this proceeding, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10024; Filed, Nov. 16, 1948;
8:51 a. m.]

FEDERAL TRADE COMMISSION

[21-416]

TRADE PRACTICE CONFERENCE PROCEEDINGS
FOR MAIL ORDER INSURANCE INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE
CONFERENCE

At a regular session of the Federal Trade Commission held at its offices in the city of Washington, D. C., on the 12th day of November 1948.

Notice is hereby given that a Trade Practice Conference will be held by the

Federal Trade Commission for the Mail Order Insurance Industry in the Hotel Stevens, Chicago, Illinois, on December 8, 1948, commencing at 10:00 a. m., c. s. t.

Such Mail Order Insurance Industry for which this conference is scheduled is composed of those persons, firms, corporations, associations and organizations engaged in that type of insurance business in which the sale of the insurance is promoted and effected through the use of the mails or other interstate communication or facility without the employment therein, within the state of the purchaser or prospective purchaser, of personal solicitation by licensed agents of the insurance company.

All persons or concerns engaged in such type of insurance business, whether in relation to life, health, accident, liability or other insurance, are cordially invited as members of the industry to attend or be represented at the conference and to take part therein.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, or other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10001; Filed, Nov. 16, 1948;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1087]

UNITED MERCHANTS AND MANUFACTURERS,
INC.

NOTICE OF APPLICATION FOR UNLISTED
TRADING PRIVILEGES AND OF OPPORTUNITY
FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$1 Par Value, of United Merchants and Manufacturers, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Sec-

retary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9994; Filed, Nov. 10, 1948;
8:56 a. m.]

[File No. 7-1089]

SUNRAY OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 4½% Cumulative Convertible Preferred Stock, Series "B" \$25 Par Value, of Sunray Oil Corporation, a security listed and registered on the New York Stock Exchange and the Los Angeles Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 1, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9993; Filed, Nov. 10, 1948;
8:56 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. ET AL.
ORDER GRANTING APPLICATION AND PERMITTING
DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its of-

office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

In the matter of The United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, 54-25.

American Light & Traction Company ("American Light") a registered holding company and a subsidiary of The United Light and Railways Company, also a registered holding company, having filed an application-declaration, and amendments thereto, in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder with respect to the following transactions:

On December 30, 1947 the Commission entered an order approving a plan filed by American Light and The United Light and Railways Company which provides, among other things, that during the year 1948 American Light will dispose of all of its interest in Detroit Edison. As a step in the consummation of said plan, American Light proposes to sell at competitive bidding, pursuant to the provisions of Rule U-50, the remaining 192,734 shares of the common stock of Detroit Edison owned by American Light. The application-declaration states that the proceeds received from the sale of said stock will be used to reimburse the treasury of American Light for cash expenditures made prior to date of the sale in connection with said section 11 (e) plan. To facilitate the distribution and offering of said stock applicants-declarants request authority to purchase on the New York Stock Exchange and Detroit Stock Exchange such number of shares of Detroit Edison within a specified period as may be necessary or appropriate to stabilize the price of such stock.

Said application-declaration also requests that the bidding period provided by Rule U-50 be shortened from 10 days to 6 days and that the order with respect to said application-declaration become effective forthwith; and

Appropriate notice of said filing of the application-declaration, as amended, and an opportunity to request a hearing with respect thereto having been duly given and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The record being incomplete with respect to fees and expenses to be paid in connection with the proposed transactions and the Commission having in its order of December 30, 1947, reserved jurisdiction over accounting treatment with respect to the various transactions proposed in said section 11 (e) plan and the Commission deeming it appropriate to continue the jurisdiction heretofore reserved in its order of December 30, 1947, and to reserve jurisdiction over the fees and expenses to be paid in connection with the proposed sale of Detroit Edison stock; and

It appearing that after the proposed transaction American Light will no longer have any stock interest in Detroit Edison, and it further appearing that there will remain an interlocking direc-

torate between American Light and Detroit Edison which applicant has not proposed to sever; and

It appearing necessary for the carrying out of Section 11 that complete divestment of American Light's interest in Detroit Edison should be accompanied by a severance of all interlocking directorates between such two companies; and

The Commission finding that, subject to the requirement that there be a severance of all interlocking directorates between American Light and Detroit Edison, no adverse findings are necessary with respect to the proposed sale of Detroit Edison, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application-declaration, the request for shortening of the bidding period and the acceleration of the effectiveness of the Commission's order, subject to the conditions specified herein:

It is ordered, Subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject, however to the condition that the sale by American Light of 192,734 shares of the common stock of Detroit Edison shall not be consummated until the results of competitive bidding have been made a matter of record in these proceedings and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being hereby reserved for this purpose, and subject to the further condition that American Light and Traction Company file an amendment, prior to consummation of the proposed sale, agreeing that it will take or cause to be taken such action as will result in a severance of all interlocking directorates between it and Detroit Edison not later than the next annual meeting of stockholders of Detroit Edison.

It is further ordered, That the 10 day period for inviting bids as provided in Rule U-50 be, and hereby is, shortened to a period of not less than 6 days, that the jurisdiction heretofore reserved in the Commission's order of December 30, 1947, over the accounting treatment with respect to the transactions proposed in said application-declaration be, and it hereby is continued, and that jurisdiction is hereby reserved with respect to the fees and expenses to be paid in connection with the proposed sale of Detroit Edison stock.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9395; Filed, Nov. 10, 1948;
8:55 a. m.]

[File No. 70-1903]

COMMONWEALTH & SOUTHERN CORP. ET AL.
ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE IN PART

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 10th day of November 1948.

In the matter of the Commonwealth & Southern Corporation (Delaware) Southern Indiana Gas and Electric Company, the Commonwealth & Southern Corporation (New York) File No. 70-1902.

The Commission having, on August 1, 1947, issued an order pursuant to section 11 (b) (1) of Public Utility Holding Company Act of 1935 (the "act") directing, among other things, that The Commonwealth & Southern Corporation (of Delaware) a registered holding company, hereinafter referred to as "Commonwealth" divest itself of its interest in Southern Indiana Gas and Electric Company ("Southern Indiana") a direct public utility subsidiary of Commonwealth; and

Commonwealth, Southern Indiana, and The Commonwealth & Southern Corporation (of New York) a mutual service company subsidiary of Commonwealth, hereinafter referred to as "service company", having filed joint applications-declarations under the act concerning, among other things, the proposed sale of common stock of Southern Indiana, the divestment by Commonwealth of its interest in such company and Commonwealth's request for an exemption from the competitive bidding requirements of Rule-50 with respect to such divestment; and

A hearing having been held with respect to such applications-declarations, after appropriate notice, at which various representatives of Commonwealth's security holders appeared but raised no objections to Commonwealth's entering into negotiations for the sale of all of its holdings of the common stock of Southern Indiana, and the Commission having, by its order dated September 9, 1948, granted Commonwealth an exemption from the competitive bidding requirements of Rule U-50 with respect to such proposed sale and having deferred consideration and reserved jurisdiction with respect to all other aspects of the proposed sale; and

Commonwealth, Southern Indiana and service company having filed amendments to the joint applications declarations heretofore filed in this matter pursuant to sections 6 (a) 7, 9 (a), 10, 12 (c) 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-44 thereunder regarding the following proposed transactions:

(1) Southern Indiana proposes to amend its Articles of Reorganization so as to increase the authorized number of its shares of no par common stock from 500,000 to 1,500,000 shares and thereupon to change the number of shares now outstanding, all of which are presently owned by Commonwealth, from 400,030 shares to 600,000 shares, without any change, however, in the amount of capital represented thereby.

(2) Commonwealth proposes to sell its holdings of the common stock of Southern Indiana to a group of underwriters represented by Smith, Barney & Co. for resale to the public at the best price (which shall be not less than the then book value) and on the most favorable terms obtainable.

(3) Southern Indiana also proposes, concurrently with the sale of its out-

standing common stock by Commonwealth, to issue and sell to the same underwriters (or to Commonwealth for resale to said underwriters at its cost and Commonwealth will resell to said underwriters) under the same contract and at the same price, the least number of additional shares of its no par common stock which will be sufficient to realize proceeds to Southern Indiana of approximately \$1,500,000 but not more than \$1,750,000.

(4) Southern Indiana further proposes, concurrently with the sale of its common stock, to sell to service company at \$100 per share (the approximate book value thereof) the 162 shares of the \$100 par value capital stock of service company owned by Southern Indiana. Service company states that it may dispose of the aforesaid 162 shares of its capital stock, at \$100 a share, to its remaining stockholders.

(5) The service company proposes, for a period of 12 months following the date of the sale by Commonwealth of common stock of Southern Indiana (unless the period shall be extended by further order of this Commission) to render to Southern Indiana such services as Southern Indiana may from time to time request at the cost thereof, determined in accordance with the usual procedures of the service company with respect thereto, plus 10% of such cost.

The amendments to the said joint applications-declarations having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and

The Commission having also given notice (Holding Company Act Release No. 8605) that a hearing would be held on the issues remaining as to the proposed sale to underwriters of Southern Indiana common stock, if and when a contract was entered into with underwriters regarding such sale, and the Commission having received a request from Alfred J. Snyder, Esq., a representative of stockholders who has entered an appearance herein, for a hearing to be held for the purpose of producing proof, "if any exists, to show, that the price, terms, use of the proceeds and all other factors will benefit the stockholders more than the stock of the company proposed to be sold; that the management of Commonwealth & Southern Corp. is acting in the best interest of its stockholders, and that the price is the best that can be obtained."; and

It appearing to the Commission that the said hearing to be held on the issues remaining as to the proposed sale of Southern Indiana common stock to underwriters, if and when a contract for such sale is entered into, will provide Snyder with adequate opportunity to be heard; and

The Commission finding with respect to all aspects of the proposed transactions, other than the proposed sale to underwriters, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that it is not necessary to impose any terms or conditions other than those set forth below, and the Commission deeming it

appropriate to the public interest and in the interest of investors and consumers that the said amended applications-declarations with respect to all aspects of the proposed transactions, other than the proposed sale to underwriters, be granted and permitted to become effective.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said amended joint applications-declarations be, and the same hereby are, granted and permitted to become effective, except with respect to the proposed sale of Southern Indiana common stock to underwriters, subject, however, to the conditions: (1) That jurisdiction is hereby reserved with respect to all fees and expenses of counsel to be paid in connection with the proposed transactions, and (2) that jurisdiction is hereby further reserved with respect to Commonwealth's request for findings, recitals and provisions pursuant to sections 371 (f) and 1808 (f) of the Internal Revenue Code.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9999; Filed, Nov. 16, 1948;
8:55 a. m.]

[File No. 70-1962]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of November 1948.

Public Service Electric and Gas Company ("PEG") an electric utility subsidiary of The United Corporation, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 of the General Rules and Regulations promulgated thereunder, with respect to the following proposed transaction:

PEG proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$50,000,000 principal amount of its —% debentures due 1963. The interest rate and the price to the company for the debentures will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100% nor more than 102.75% of the principal amount.

From the proceeds of the sale of the debentures, \$30,000,000 will be applied to the retirement of an equal principal amount of bank loans due September 10, 1950; and the balance will be utilized in connection with PEG's construction and improvement program.

The proposed issuance and sale of debentures having been approved by the Board of Public Utility Commissioners of the State of New Jersey and

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hear-

ing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective not later than November 10, 1948:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of debentures shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9998; Filed, Nov. 16, 1948;
8:55 a. m.]

[File No. 70-1988]

FRED D. ELLIS AND EDMUND J. HAUGH

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

Fred D. Ellis and Edmund J. Haugh ("Applicants") having filed a joint application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition by them from Northwestern Illinois Gas & Electric Company ("Northwestern"), an exempt holding company, of all of its interest in its subsidiary, Illinois Electric & Gas Company, a public-utility company, consisting of 2,500 shares of common stock, no par value, constituting the entire amount of such stock outstanding, and a 4% note in the unpaid principal balance of \$50,000, the consideration to consist of the surrender by Applicants to Northwestern for cancellation of \$100,000 aggregate par amount of Northwestern's preferred stock, representing the entire amount of such stock outstanding, and the surrender of \$100,000 principal amount of open account indebtedness owing Applicants by Northwestern; and

It appearing from the filing that the legal fees, estimated at \$250.00, and the estimated expenses to be incurred in connection with the proposed transaction, are not unreasonable in amount; and

The said application having been filed on October 25, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicants have requested that the effective date of the application be accelerated, and that the order granting said application become effective immediately upon issuance; and

The Commission finding with respect to said application that the requirements of section 10 are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application be granted to become effective forthwith:

It is ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9992; Filed, Nov. 16, 1948;
8:56 a. m.]

[File No. 70-1995]

DELAWARE POWER & LIGHT CO. AND EASTERN
SHORE PUBLIC SERVICE CO. OF VIRGINIA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company ("Delaware") a registered holding company, and its public utility subsidiary, Eastern Shore Public Service Company of Virginia ("Eastern Shore") Applicants-declarants designate sections 6 (b) 9 (a) 12 (d) and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may, not later than December 2, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Wash-

ington 25, D. C. At any time after December 2, 1948, said application-declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Eastern Shore will issue and sell from time to time, but not later than December 31, 1950, up to \$400,000 principal amount of its 4% promissory notes due October 1, 1973 and 4,000 shares of its common stock of the par value of \$100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, are to be used to reimburse Eastern Shore's treasury for money previously expended for construction requirements, and to provide funds for future construction expenditures. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed issuance and sale of securities by Eastern Shore has been submitted to the State Corporation Commission of Virginia for its approval.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9936; Filed, Nov. 16, 1948;
8:59 a. m.]

[File No. 70-1939]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of November 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard") a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 28, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of law or fact raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed:

Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after November 26, 1948, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Standard has outstanding \$11,693,274.78 principal amount of bank notes bearing interest at the rate of 2½% per annum and payable on April 10, 1949. The notes, which may be prepaid in the manner proposed without premium, were issued pursuant to a Bank Loan Agreement, as amended, between Standard and a group of banks headed by Continental Illinois National Bank and Trust Company of Chicago and The Chase National Bank of the City of New York. Among other things, the Agreement prohibits Standard from paying dividends on any of its outstanding stocks so long as any portion of the bank notes remains unpaid.

Standard proposes to enter into a new bank loan agreement with the same group of banks and to borrow \$11,699,000 at 2½% interest, per annum, to be evidenced by new notes and to apply the net proceeds of such loans together with treasury funds in the amount of \$3,274.73 to the prepayment of the outstanding notes. The new notes will be dated as of the date of their delivery, will mature one year from that date and will be subject to prepayment at the election of Standard without the payment of a premium.

Standard further proposes to secure the new notes by the pledge of its holdings of shares of common stock of Northern States Power Company, a Minnesota corporation, ("Northern States"), Philadelphia Company and Wisconsin Public Service Corporation ("Wisconsin") The proposed new bank loan agreement provides, among other things, that Standard may sell any of the pledged shares, in which event the proceeds from such sale must be applied to the reduction of the notes or with the written consent of the holders of at least 60% aggregate principal amount of the notes outstanding, may be used by Standard for investment, within four months after such sale, in securities issued by Northern States, Wisconsin, Louisville Gas and Electric Company, a Kentucky corporation, ("Louisville") or Oklahoma Gas and Electric Company ("Oklahoma").

The proposed agreement also provides, in substance, that Standard may sell any of its holdings of shares of common stock of Louisville and Oklahoma. If at the time of any such sale the outstanding notes exceed \$5,000,000 in the aggregate, the proceeds from such sale may be applied by Standard to reduction of the notes or be invested in securities issued by Northern States, Wisconsin, Louisville or Oklahoma except that the proceeds from the sale of up to 150,000 shares of

common stock of Oklahoma or, in lieu thereof, the proceeds from the sale of such number of shares of the common stock of Louisville having a fair value equal to the fair value of 150,000 shares of common stock of Oklahoma, must be applied to reduction of the notes, forthwith, unless written consent to use such proceeds for investment as above described, is secured from the holders of at least 60% aggregate principal amount of the notes outstanding. Standard represents that its present intention is to apply the proceeds from the sale of 150,000 shares of common stock of Oklahoma, or the equivalent of the common stock of Louisville, as above defined, to reduction of the notes rather than for investment. After the notes have been reduced to less than \$5,000,000 there are no restrictions in the proposed agreement regarding use by Standard of the proceeds from any sale of the common stocks of Louisville or Oklahoma.

The declaration states that Standard desires to consummate the proposed transactions in order to permit Standard to (a) retire its present bank notes and thereby be in a position to consider the resumption of the payment of dividends on its Prior Preference Stock by reason

of the elimination of the provisions in the present Bank Loan Agreement, as amended, prohibiting such payment and (b) eliminate other burdensome provisions in that Agreement.

Standard requests that the Commission's order permitting the declaration to become effective, forthwith, be issued at the earliest possible time.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9997; Filed, Nov. 16, 1948;
8:55 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 3 (E)]

DEMERRITT CO. ET AL.

PUBLIC NOTICE IN REGARD TO APPLICATION

NOVEMBER 12, 1948.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of Part III, Executive Order 10004 of October 5, 1948.

| Name of article | Purpose of request | Date received | Name and address of applicant |
|--|--|----------------|---|
| Spring clothespins (par. 412, Tariff Act of 1930). | To determine whether clothespins are being imported in such increased quantities as to cause or threaten serious injury to domestic producers. | Nov. 10, 1948. | The Demeritt Co., Waterbury, Vt. Diamond Match Co., B-F-D Division, New York, N. Y. Forster Mfg. Co., Inc., Farmington, Maine. Munising Wood Products Co., Chicago, Ill. National Clothes Pin Co., Inc., Montpelier, Vt. Penley Bros., West Paris, Maine. The Wallace Corp., St. Louis, Mo. |

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL]

SIDNEY MORGAN,
Secretary.

[F. R. Doc. 48-10008; Filed, Nov. 16, 1948;
8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12281]

ENNO W. ERCKLENTZ

In re: Debt owing to Enno W. Ercklentz. F-28-7024-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Enno W. Ercklentz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of Sidney Pollack, 2 West 43rd

Street, New York 18, New York, in the amount of \$561.86, as of May 22, 1946, representing proceeds from the sale of property stored with Morgan & Brother Fireproof Storage Warehouses, Inc., 510-520 West 21st Street, New York, New York, in lot numbered 19023, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by; payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Enno W. Ercklentz, the aforesaid national of a designated enemy country (Germany), and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10009; Filed, Nov. 16, 1948;
8:46 a. m.]

[Vesting Order 12282]

ANNA GROSCH

In re: Bank account owned by Anna Grosch. F-28-13630-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Grosch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Anna Grosch, by Pioneer Savings and Loan Association of Bloomfield, 4719 Liberty Avenue, Pittsburgh 24, Pennsylvania, arising out of a share savings account, entitled Anna Grosch, maintained with the aforesaid association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10010; Filed, Nov. 16, 1948;
8:46 a. m.]

[Vesting Order 12285]

IKEN, BLOME & KLINGENBERG

In re: Bank account owned by Iken, Blome & Klingenberg. F-28-26443-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Iken, Blome & Klingenberg, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Iken, Blome & Klingenberg, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of an Unclaimed Deposit Account, entitled Iken, Blome & Klingenberg, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General:

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10011; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12286]

HELEN KUHN AND PAUL SCHWARZ

In re: Bank accounts owned by Helen Kuhn and Paul Schwarz. F-28-27358-E-1, F-28-27600-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Kuhn, whose last known address is Weimar, Thuringen, Germany, and Paul Schwarz, whose last known address is Sonderhausen, Thuringen, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Central Trust Company, Cincinnati 1, Ohio, arising out of a savings account, account number 69414, entitled Nippert & Nippert, Attorneys in fact for Helen Kuhn, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helen Kuhn, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows: That certain debt or other obligation of The Central Trust Company, Cincinnati 1, Ohio, arising out of a savings account, account number 69413, entitled Nippert & Nippert, Attorneys in fact for Paul Schwarz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Schwarz, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10012; Filed, Nov. 16, 1948; 8:40 a. m.]

[Vesting Order 12231]

PHOSPHAT-GESELLSCHAFT, M. B. H.

In re: Debt owing to Phosphat-Gesellschaft, m. b. H. F-28-9024-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Phosphat-Gesellschaft, m. b. H., the last known address of which is Brandstwierte 2-4, Hamburg 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Phosphat-Gesellschaft, m. b. H., by Dunnellon Phosphate Mining Company, P. O. Box 157, Savannah, Georgia, in the amount of \$50.77, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10013; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12235]

LINA TRUETZSCH

In re: Debt owing to Lina Truetzsch. F-28-12449-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Truelzsch, whose last known address is Steinpleis/Bei Werdau (Saxony) Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Lina Truelzsch, by Paul Monnig, Round Lake, Illinois, in the amount of \$1,916.32, as of December 31, 1945 and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10014; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12310]

COMMERZ BANK, A. G.

In re: Bank account owned by Commerz Bank, A. G. F-28-170-E-7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerz Bank, A. G., the last known address of which is Berlin, Ger-

many, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Commerz Bank, A. G., by First Wisconsin National Bank, 743 North Water Street, Milwaukee 1, Wisconsin, arising out of a demand deposit account, entitled Commerz Bank, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10015; Filed, Nov. 16, 1948; 8:47 a. m.]

[Vesting Order 12311]

COMMERZBANK AKTIENGESSELLSCHAFT

In re: Bank account owned by Commerzbank Aktiengesellschaft, also known as Commerz und Privatbank, and Commerzbank Aktg., F-28-170-E-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerzbank Aktiengesellschaft, also known as Commerz und Privatbank, and Commerzbank Aktg., the last known address of which is Schlless-fach 65, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Commerzbank Aktiengesellschaft, also known as Commerz und Privatbank, and Commerzbank Aktg., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Commerzbank Aktg., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10016; Filed, Nov. 16, 1948; 8:47 a. m.]